D114

P 7389-00

P. 7.39-00

G. R. S. IX-5]

Previous references. 1897-98

~~191~~ .

(Land Rev.)

File No. 5/

Serial Nos. 1618

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1618

Major ~~Part~~ B for January 1900

SUBJECT.

Appeal of Hamme Gowda Settler of Kommahalli Village Jarikere Taluq re the right & title of the Hariyalmaddur Tank.

Interest

Confidential

W D 1250—GPB—30,000 28-1-19

GOVERNMENT OF KARNATAKA

Petition Branch

L.R 53-99

Precis

Petition- No 722 dy 20.9.99

Petitioner- Kumme Gowda s/o
others of Kamakalli
village Tarikere Taluk

Subject- Appeal against
the Dy Comrs order in re
writ to the water of the
Heravethinakere tank.

Facts of the case

7/6. On 8-4-94 One Nanjundia of Batta da Kavalakere had filed the Dy Comrs Kadur dist stating that Heravathinakere tank was restored but an additional sluice to that tank was not constructed for irrigating his lands lying under Suppi tank in Batta da kavalakere as the tank could supply the lands of both villages and there was a Halla in the middle; that the repairs to the Suppi tank were not sanctioned and the bed of the tank was put for cultivation; that 5 ft of water would remain in the Hera-

Vide folio 7.75.

yethinakere tank lying supplying
the lands lying thereunder it could
not be used by the ryots of
Kormahalli village but only by
the ryots of his village; that his
sluices are at level and was
absolutely necessary. Prayed
that the construction of a sluice
might be ordered and till it was
constructed the water might
be ordered to dry rates.

Thereupon the Amildar was
asked to inspect the spot and report
as to whether the repairs to Honganhina
kere tank were completed and
whether the allegations of the petitioners
were true. On 24.7.94 the Amildar
took the statement of the petitioner to
the effect that as some of the land-
holders of his village were not
given water from the Honganhina
kere tank, a remission of ½ assess-
ment on their lands was made;
that the supply to the tank lying
standing above his lands was breached
some 8 or 10 years ago; that as the water
from Honganhina kere tank sluice could
not reach his lands situated
on a higher level, prayed that
a separate sluice might be constructed
on the other side of the tank at first

17-4-94

N.B. In this connection the petitioner
the has informed on 6th & 7th of
5-12-93 that the application
would be considered after
the tank was restored. Said petition
is not on the file.

7.20

first and that no Contribution be recovered from him, and that until the Sluice was constructed his lands be charged with dry rates instead of with wet rate. Another by name Mallappa also deposed to the same effect.

12.4.94 7/22

2. In the meantime one Contractor by name Dastagiri had petitioned the Amildar for permission to take water from the Hengeshina Kere tank promising to pay extra. The Amildar sent the petition to the Subdn officer D.P.W. enquiring as to whether Govt would undertake to construct a channel for the flow of water from the Sluice of Hengeshina Kere tank. He replied that there was no reference to show that Govt had undertaken the work; that the said Channel had been marked out on the Nakasi for Kamakalli village and that it would pass through the lands of the said village.

26.5.94 7/23

Thereupon the Amildar of Davangere directed the Shekdar to mark out in conjunction with the D.P.W. Subdn officer the place where a channel (open) might be constructed

10-6-94

ed for irrigating the lands lying under the tank, and also to inform the villagers that they should undertake to construct the channel themselves.

The Sheristar having taken their statements reported that some of the villagers consented to construct the channel, that the Taluk officer did not go there and mark out the spot as yet; that in the recent rains, the tank received a large supply of water and some water passed through the bund and flowed over Chetnahalli lands; that therefore the villagers opened a channel and led the water on to the Kunahalli lands; that the people of the latter village also had agreed to open a channel to save their lands from being flooded and lead the water further to the Sirgi Wadda lands (in Dattada Kanneken village)

Thereupon the Amildar requested the Taluk Officer to give all information to the Sheristar for preparing an estimate for the construction of the said channel.

3. On 26.4.95 Putte Gowda Patel of Chetnahalli reported

to

to the Zilla Sheristadar that the repairs to the tank were all over, that the tank (Hennagatta kere tank) could supply the lands of Kannahalli village also, that the channel work should be taken in hand as the water was flowing now being wasted, there being no sluice in the sluice. Prayed that the channel work and fixing up of the Kondi might be ordered early.

18.1.96 Thereupon the Sheristadar was directed to inspect and report.

On 31-1-96 the Sheristadar reported that the patel had consented to open a channel himself and had done so satisfactorily, and prayed that it might be caused to be inspected by the Amin if necessary. Thereupon the tank inspector was called upon to do so.

7.95 4. In the meantime on 18.5.94 Nanjundia of Bettadakurakere petitioned complaining that instead of repairing his tank Suppi Naddo which used to irrigate lands assessed at Rs 6, the sluice was not

in Heavyathinakéra lands and praying that orders might be issued for suspending his work Lands into water by constructing a separate sluice lower down, and till then dry rate might be ordered to be charged on his lands.

This was sent to the Dy Comr for enquiry and endorsement to petitioner. The Dy Comr directed the Amildar to inspect and report as to the truth of the petitioner's allegations. The Amildar having inspected the spot reported that he learnt 31-7-94 Rs 85
that Suggi Vadda was built
by petitioner and others at
their own cost; that it breached
in the year 1886, that the Dpty
Secretary [illegible] that Suggi
that Suggi Vadda need not be repaired
but a sluice might be constructed
in Heavyathinakéra which would
likely irrigate all the lands
lying under the Suggi Vadda,
but the petitioner complained
that the water could of the Heavy-
yathinakéra could not reach his
lands lying under Suggi Vadda
that on inspection the Amildar found

that the Lands of the said Petitioners had been brought under cultivation, that although a separate sluice might be built on the northern side of the tank as prayed for by the petitioner, an aqueduct seemed to be necessary, as there was Kodi halla a little lower down, for irrigating petitioners' lands; that, if not, an aqueduct might be constructed in the Kodi halla itself when there would be free flow of water to the said lands; that the Contract for the same should be undertaken by the D.P.W. who might be written to on the subject.

Thereupon the Ex. Engineer was requested to make arrangements for supplying the petitioners' lands with water by means of a separate sluice or an Ane in the Kodi halla. The matter was referred to the Sub Ass officer D.P.W. for report. He reported that a single sluice was sometimes

22-10-94 7.66.

and built anicut tank at its
left end for irrigating the
lands lying on the left side
of the Kodihalla; that the lands
of the petitioners were situated
wholly on the right side of
Kodihalla and could not be
irrigated by the new sluice
unless an aqueduct
were constructed across the
Kodihalla; but as the sluice
could irrigate only the said
lands lying on the left side measuring 200 acres, a
separate sluice should be
built on the right side of the
tank to irrigate petitioners'
lands; that the bund of the tank
should be built on the right
side and the sluice channel should
be made to cross the Kodihalla
for which an aqueduct might
be built across it about half
a mile below the tank to
carry the water from the sluice
to the petitioners' lands; and
it would also facilitate
for flood water to fill the small
tanks near Bettadaverikere

under [illegible] wet cultiv[illegible]
has in progress.

29-11-94 Thereupon the Dy. Comr sent an Endorsement to the petitioner through the Amildar stating that his request would be grant[ed] after ascertaining whether there would be any more water left after irrigating the lands to the left of the tank.

768 5. On 11.6.95 the Sub Dy Officer D[illegible] wrote to the Ex. Engineer today that the tank received a good supply / in the late rains and so the ryots [illegible] might be informed through the Tank Amildar to raise wet crops on their dry lands under the tank. This was sent to the Dy Comr for information. The Dy Comr directed the Amildar to inform the villagers that they might undertake wet-cultivation from that year and they would be charged wet rates from [illegible] Amildar was directed to do so.

18.7.95 6. In the meantime

Nanjundia [illegible] petitioned 6.9.94 7 re 1
before us in the matter. His petition was sent to the Dy Comr for disposal. The Dy Comr sent an endorsement to petitioner 12-9-95
stating that an order had been issued for constructing an anicut in the bed of the Kudihalla and until that would be completed, remission could be made for his Kists lands lying under Heregethinakere tank.

7. A subsequent petition dt 7-9-95 to Govt from the same man praying that he might be allowed to repair the tank of suppi made and given Chuntaji remission therefor and that a sluice might be caused to be provided to Heregethinakere tank for irrigating his lands there, was sent to the Dy Comr who hearing from the amildar that a plan for the construction of an aqueduct was pending with the Ex: Engr

caused a yadi to be written to
that officer requesting him to
get the aqueduct built at
an early date.

731

8. On 2-12-96 Contractor
Dastagir Sab complained
to the Taluk that the ryots
of Kornahalli had opened
a Channel as they pleased
without following the direction
of the D.P.W; that in conse-
quence much water has wasted
and prayed that necessary
orders might be immediately
issued for preventing further
waste: The Shekdar was
called upon to inspect and
report.

8-12-96 733

The Shekdar having inspected
took the state-
ments of the ryots of Korna
halli and of the patel, and
reported that on enquiries he
learnt that last year the
D.P.W. Shekdar officer permitted
the ryots in person to open the
Channel themselves; that the Chan
nel passed through six numbers
that it had been marked in

This is shown in plan 736

pencil on the Varadah and the
ryots and the pencil declared to
that effect.

The Amildar wrote to the Sub
Divisional officer as to whether he
had marked on the village
map as reported by the Tahsildar.
The matter having been referred
to the Sub-Overseer for report,
that officer reported that
in June last he by (mr
and the Ex. Engr went to
Herogethinakere tank when
the ryots of Settadatturakere
village requested the said
officers to allow them to
take water from the tank
which was constructed for
their use; that the officers
told them that they would
get water shortly; that all
those holding lands under
Sujji wells would be
first given water and the
excess water would be given
to the ryots of Kumachalli;
that the latter might use
water for one year only
and that the tank water should

8-12-96

7 31

16-1-97 ? 32

that is the villagers of Settada-
turakere

had be allowed to go into the latta which was in front of the village of Komadalli - He further reported that as directed by the Sub Dn Officer Dhw on the Amildar's visit of 25-7-94 he marked the channel level for 6 furlongs; that on the contrary the villagers opened a channel for 10 furlongs; that the police's statement regarding the pencil mark was wrong; that it seemed to have been made since 3 years ago by the then Subdn Officer to see where the channel from the sluice might have temps, and that if the channel had been properly opened some more lands might have been brought under wet Cultivation.

735 The Subdn officer to whom the above report was submitted forwarded the same to the Amildar The Amildar having directed the Shekdar to take the channel level from the Dhw at once and set it duy accordingly, requested the Subdivision officer when the Dy Comr passed the order (above referred to) and whether there

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was any need before that effect
[illegible] copy of the
Resolve a memo of inspection
by the Dy Comr No 3583
18-6-95.
It runs as follows:—
"On inspecting the new
Hengetiwadera Tis Morning
in Company with the Ex.Engr
Mr Rangacharlu and Re Maider
I came to the conclusion after
hearing all parties on the subject
that the new tank was built
to replace the old breached
tuppi Wadda some distance
below it and also to bring
some new dry lands under
irrigation. Under these cir-
cumstances the old wet lands
will have prior lien upon
the tank water to any lands
newly irrigated. These old
wet lands lie principally
in the Settadaturedera village
but as the nallah intervenes
between the sluice of the new
tank and the old channel
from tuppi Wadda, an aqueduct
will require to be built to
take the water over this
Nallah. The Ex. Engr stated

25-7-97 F.40 #53

a suitable site for the and he was requested to get the tank furthered as fast as possible so as to bring the Bettadatavarekere lands under irrigation. Pending the completion of this aqueduct the owners of dry lands Kommahalli and Bele Basavanahalli will be allowed to take tank water paying water rate for the same; but they were given to understand that this concession would give them no prescriptive right over the water until the Bettadatavarekere lands had received their supply".

7.73

9. In the meantime on 16-4-97 the villagers of Kommahalli petitioned the Dy Com objecting to allow the rights of Bettadatavarekere to make use of the tank water as it was intended for the petitioners' use; that both the Chief Engineer and the Ex. Engr had opined that the lands under Hesse valley should not be irrigated by the Hirogethina kere tank water and that the

ryots of Bellada tarafdare should repair tyfd bunds and irrigate their lands; that such practice was in vogue till then; that at no time the water of the other tanks was given to the landholders under tyfd bunds, that the petitioners had planted sugarcane which would be deprived of the supply if those lands were supplied with water; that the bed of tyfd bunds was given temporarily for cultivation to Nanjunda and others. Dastagiri said who were objecting the petition by digging pits and acting in any manner.

The Dy Comr sent the petition to the amildar for report. Enclosed 774
noted in pencil a copy of the previous Dy Comr's order of 18-6-95 (above referred to) together with other petitions submitted to him in the same matter. The Dy Comr sent all the papers to the Sanitary 27-10-97
Comr for Commissariat Vaidya for his opinion on the subject.

The Asst Commr applied that he inspected the tank last year, that 3-12-97 775
as there was a bulla in the middle an aqueduct seemed to be ne-

away for irrigating the lands under
the tanks and it would appear
that the matter was under con-
sideration in the D.C.'s that if
the requirements were considered
the Bettada Anaicut lands might
be first irrigated and the
surplus water used for irrigating
the dry lands of Kowdalli,
and from the records it would
appear that the landholders
of Bettada Anaicut under
Suggi tanks had prior right
to the Hongenahalli tank
water as the tank seemed
to have been built to replace
the old breached tanks.

7107 D. C. 13.7.97 the ryots of Bettada
Anaicut village petitioned the
Sub-Div. Officer complaining that
the earthen embankment which
they were allowed by the Executive
while on inspection to put across the Katte Hole and to
irrigate their wet lands by means
of a channel was removed by
the ryots of Kowdalli and a
sluice and the supply was cut
off.

The Subdr Officer wrote to the Amildar
to the effect that he permitted the
petitioners to fill up the breach
in the ancient temporarily in order
whether the water would freely
flow in the channel and in
required quantity for all the
lands; and that as they had
prior claim to the Hemjetina
Kere tank water, requested the
Amildar to issue orders prohibiting
the Kornahalli villagers from inter-
fering with the petitioners, and
to allow the latter to fill up the
breach in the old ancient at
their own cost. On the latter
being directed to give effect to
the above order of the Subdr Officer
reported that the villagers of Korna
halli who had assembled in the number
50 between Katte Gowda and Kornahalli
behaved very badly and refused
to give their statements in full.

vide Order of 14-9-97 F.116

10.9.97 F.117

The Amildar sent for the villagers
of Kornahalli and also Nanjunda
and took their depositions on 29-9-97 F.104

The former deposed to the effect that
the old Ancient in the Halla was
built by their forefathers at their
own cost; that it bore the appella-

vide map plan 2.78.

Vide plan
7 78

44 and was disputing Kuntayya's lands of Rs 337, that the ryots of Bettadapurdoddi village were using the water of a separate kattu a little down which went by the name of Krishnayya kattu; that as they would be obliged to take the water of the halla through the old anicut during the summer, it should not be allowed to be used by others; that they had no written evidence to show that their villagers had built the anicut, but their ancestors used to say that it was built by the people of their village at least some hundred of years ago and were using the water themselves.

Nanjunda who was then examined deposed that the anicut was not built by the people of that village; that it had been in existence from time immemorial; that he had seen to it that the water was used by the people of Bettada

Cauvarkere, that there was
no such thing as Krishnayan
Kattè dodè; that formerly
the Katte in question was said
to be built by the people of
Bettada Cauvarkere under the
name of Krishnayan dodè
and that he could not afford
to build the so called Katte for
irrigation.

N.B. This seems to give no meaning.

The amildar submitted the words
repeating that he and the D'Pur
Subdr officer inspected the mant
when the Cutter expressed as his
opinion that the gardens situated
higher up the Halla would get less damp
if the water were obstructed at
the place marked by the D'Pur; that
therefore he (the amildar) considered
that the objections of the ryots
of Kodachalli were reasonable
and returned instant restoring
them; that an anicut might
be constructed a little lower-down
and that the matter should be decided
by the higher authorities for which
a rough sketch showing the position
of the several places had been
enclosed - that the petitioner Nanjundia
(whose petition with D'pur's remarks was sent

6-10-97 7 110

7 115.

24-9-97

to the Amildar for report)
stated that having obtain-
ed permission from
the D.P.W. for opening
a channel, he spent
over Rs 200/- that as a
remission of ½ assessment
had been made every
year for the petitioners'
and others' lands, he could
not see any cause for
the petitioner's complaint.

Thereupon the Dy. (now
asked the Amildar
on what authority the
Sub Divisional Officer & P.W.
gave permission to the
ryots of Bellidalamedu
for opening the channel
and what necessity there
was for a temporary
sluice being opened

2-1-28

before the Architect was
built. The Auditor
requested that the Public Works Office 10-1-93
to give the informations
called for in the above He
replied that a mark was 14-1-95 7 13
made to open a channel
in pursuance of the Hr: Engrs
order on the petitioners
the 1908, and that as they
consented to open the channel
themselves, provided they were
permitted to do so, as it seem-
ed to be necessary, before the
estimate for the construction
of the one was sanctioned.
The Auditor submitted the
same to the Dy Comr

12. On 16.4.98 the 1908
of Kosmalli submitted a 2.91
petition in continuation of their
previous ones praying that the
water might be reserved for
their exclusive use. The Dy Comr Mr Carr
ordered as follows:—
"The work on this channel will be

be stopped until Mr Carr
or Gudivada Canal is able to
visit and inspect the spot.
The Asst Engineer D.P.T will
be present at the inspection
of this anicut bunds.

13. The Dy Collr inspected the
anicut himself and passed the
following order.

Mr Carr
24-4-98

Vide Dy T. 135

On the 23rd April 1898 the
Dy Collr, Gudivada Canal, Amil-
dar of Tarakeru and the Sub Di-
vision Officer of Nuzvid and in-
spected the spot where the
anicut across the Kodavalla
Vanka Reservoir tank
was being constructed.

"Certain ryots of Komarolli
village had raised objections
to the construction of this anicut.
Hence the inspection.

"In June 1895 Mr Sparke
the then Dy Collr and the Executive
Mr Rangarao had visited
the same place, and Mr Sparke
issued a memo dated the 18th June
for the guidance of the Revenue
and D.P.W authorities with

Vide para 8 of the
attached

regard to the construction of an aequeduct and the various and contending rights of the Kanahalli and Bettadatavarekere villages to the water of the Hemgethimdère tank.

"On inspection subsequently of the Kodithalla by the Superintending Engineer Mr. McHutchin, the aequeduct was considered unsuitable to the project and the repair and reconstruction of the anicut at the point A marked in the maps ordered, the channel to carry the water from the Hemgethimahere tank being diverted to the Bettada tavarekere Supplywadde from that point. vide 478.

"From the above, therefore, it will be seen that the points to be decided upon are somewhat different to those upon which Mr Sparkes' decision rests. They are the following:-

(a) Who have the prior rights to the water of the Kodithalla anicut now being constructed

(b) Who have the prior rights to the water of the Hemgethima-

Here

Kere tank.

"As regards (a) I consider and the other officers with me agreed that as the Kodrhalla anicut is an old one formerly constructed by the Kosrahalli villagers or their ancestors, they (the Kosrahalli villagers) should have the prior right to this water of the Kodrhalla as long as the water of the Herogethinatha is not above sluice level of the tank, namely during a month or two of the hot weather.

"As regards (b) I consider Mr Sparke's order of the 18th June 1895 should stand in its entirety, namely, that the Bettadatavarekere villagers should have the prior right to the Herogethinatha Kere tank water.

"The subdivision officer reports that the Herogethinatha Kere tank is capable of supplying water to about

300 acres at present. The
Amildar will see therefore
that the wants of the Bettada
Lingarahalli villagers are
first attended to, before the
Kamahalli villagers are
given water to their fields
in the tank aforesaid."

14. This order was sent to
the Amildar for information
and guidance. Thereupon
the Shekdar was directed 20-6-98
to inform all the parties con-
cerned.

15. On 7.6.98 the inhabitants of 7/13.
Kamahalli petitioned the
Dy Comr complaining that
as usual they used the
water of Hennethimakere
tank to their dry lands
that year also under the
general order dated 27-6-95
and that the Jamabandi
Officer imposed on them a fine
of 103 Rs 4as ni addition to
Nirsardi. The Dy Comr
called for the records together

with the Taluk Office.

The Amildar submitted the same together with the list of persons who were fined by the Jamabandi Officer.

7134 16. On 9-8-98 Venkata Rao and other ryots of Kannahalli submitted a reminder to the Petition praying for the remission in the fine. He called for a report as to whether wet rates only were charged on the lands in the previous two years and whether there was any general order permitting the petitioners to use water.

7 68 The Amildar referring to the previous order dated 27.6-95 and the Taluk issued to the Taluk reminder

7 135 reported that the villagers seemed to have been informed that they might undertake wet cultivation from that year; that accordingly 53 persons raised wet crops in their dry lands in 1896-96 and they were

made to pay extraordinary
Nirsardi; that in 1896-97
since 66 persons who undertook
cultivation were similarly
charged wet rates and that
if the above fact had been
brought to the notice of the
Jamabandi Officer, they would
have been made to pay mere
Nirsardi as before and
there would have been no cause
for the imposition of fine;
and he regretted that he
did not get it rectified in
the Huzur Jamabandi.

The Dy Comr ordered the remission
of fine for the reasons given
by the Amildar and directed
the Amildar to submit a refund
bill, which was finally sub-
mitted to Govt and sanctioned
in G.O. No $\frac{8697}{2\ 106}$ dated 25-7-99

for 74-4- which had
been recovered

17. In the meantime on
1-9-99 Hanmanagouda and
other ryots of Kamahalli
appealed to Govt against the

Dy. Chas's order dated 24-4-98
stating that they had been
levying a larger sum of
assessment to Govt than
the Bettada Cultivators villages
and therefore they should have
a prior right to the tank
water. They prayed :-
(1) that the tank water
should be left for their
exclusive use, as otherwise
there would be constant
quarrel between the two
villagers.
(2) that the Tuppi Wadde
should be repaired for irri-
gating the lands lying
thereunder.
Thereupon a report with
records was called for
from the Dy Comr.
The amildar being
directed to furnish certain
information on certain
points reported that the
petitioners had been raising
wet crops on their dry lands

since the restoration of the
tank in 1894-95 and paying
wet assessment, that the
new Akarbund should
that there had been an increase
of 6 A & 1 in garden lands
and 253-24 in wet lands;
and that the maximum
wet rate was Rs 5-9-0 instead
of Rs 4-11-0 which was before
the new Akarbund.
In submitting the records
the Dy Com^r reports that
the chief point for consideration
is to see whether the tank
and anicut can irrigate
all the lands brought under
them as irrigable, which
may be made in the P.W.D.
and to remove the excess lands
from the schedule.

28/1/00
Subj – The papers are very badly
arranged.

(18) The Dy Comr is requested to
Submit a further report on
the following points

(1) What is the extent of
Land in Kavanakathi which
has been converted into
wet since the restoration
of Heroletakere tank?
[The extent is said to be 259-25 a g
as in the Amildar's Report]

(2). What is the average
rate (wet or garden) at
which the above Lands have
been assessed?

(3) Has the revised assess-
ment as fixed in (2) been
included in the Akarband?
If so why was the temporary
nature of the water-supply
is set forth in Mr Sparke's
Memo d 18/6/95 ignored?

~~The Dy Comr is further requested~~

(4). Is the rate referred to in (2)
greater or less than the wet
rate of Lands under Suppi Wards?

The D (Comr) be further requested to submit a Sketch showing clearly the course of the channel issuing from the Sluice, the Kodihalla, the anicut across the Kodihalla, the course of the Channel if any issuing from the anicut & the lands of Koranahalli & Bettadu-kavereekere. The Sketch in S No 78 of the V Records does not clearly is not clear enough Hy 5/2/00

(19) The deputy Commissioner in his letter No 758 dated 15.5.00, replies as follows.

(1) that the extent of land in the Karnahalli village which has been converted into wet since the restoration of the Honnagattina-kere tank is 255 acres 4 guntas assessed at Rs 1394-8-0 (of which dry (Kcult) lands converted into wet being 233-36 assessed at Rs 1253-8-0; (Kcult) dry lands converted into garden 6a 2g - assd at Rs. as. p. 67-0-0; and Inam lands converted

into wet being Rs 8-8-0 and Rs 7/4/0

(2) that the average rate at which the above lands have been assessed is Rs 8-8-0 per acre for garden the highest rate being Rs 10/- and the lowest Rs 10/- per acre); and that for wet lands is Rs 4-14-0 per acre (highest being Rs 8-9-0 and lowest Rs 4-3-0)

(3) that the revised assessment as fixed in (2) has been included in the Karhand, because the raiyats of the Karnahalli villages agreed to have their dry rates converted into permanent wet and garden rates and to irrigate their lands from the Hetegeltmakare tankwater; that upon the recommendation of Mr Sparkes in support of the Karnahalli raiyats' request, the Survey Dept classed all

all the convertible dry lands of the village (1) wet; that after fixing wet and garden rates for them the akarband was revised; and that this circumstance accounts for Mr Sparke's order of the 18th June 1895 imposing temporary water rate on the Karnahalli dry lands not having taken effect;

(4) that the rate referred to in (2) is greater than the wet rates at which lands under Suggivadde are assessed (the rates under Suggivadde being highest Rs 4-1- per acre, lowest Rs 2-8- per acre, average rate Rs 3-4-0 per acre)

(5) that he has enclosed a sketch in which the channel issuing from the sluices of the Heragattia tank and that from the Kodihalla anicut and its course are shewn and that lists

marked Ba[illegible] are
also enclosed, showing
the numbers, the
acreage and assessment
of the wet lands of the
Kannahalli and Bettala-
-nayakana villages respec-
-tively;

(6) That, as regards
the question of prior right
to the water of the Hennage
-Nayakana tank, both him-
-self (Mr. Carr) and Mr.
Sparkes had come to
the conclusion, that, as the
repair of the above tank
was undertaken by the
P.W. Dept in preference
to reconstructing the
Suggi Vaddu - which would
have solely benefited
the Bettalanayakana lands -
these lands ought to have
a prior right to the water
of the Hennagettinakere;
that, from the returns
it is, however, seen
that owing to the
natural lie of the
irrigable

irrigable lands of under the Heroya Ela, the Karnahalli villagers have been benefited far more largely than their neighbours in Bettalawatte; and that he cannot see therefore what grounds they (Karnahalli ryots) have for complaint.

30.5.00.

(20) The question which arises for decision in this case is how to regulate the water-supply from the Heroya-Ela tank for irrigating the wet lands of Karnahalla-the ryots of which are the appellants in this case — & of Bettalawatte.

The D. Comr's order appealed against lays down that the holders of wet lands in Bettalawatte

have the prior right to
the water-supply in
question

(21). The sketch received
with Dy Comr's letter of
15/5/00 shows, & the
Dy Comr admits in the
letter itself, that the
wet Lands of Kornchatti
lie nearer the source
of water-supply & must
from their position
receive a better supply
than the wet lands
of Bettatavenkere

It has therefore to be
explained how Mr Sparke
who first passed the order in
1895 & Mr Carr who
reaffirmed it in 1898

dis not realise the
futility of passing
an order which prima
facie cannot be
enforced

(22). The records show
that when at the
restoration of the tank
in 1894-95 the question
of right to its water-
supply came under
consideration, the matter
instead of being decided
on the merits was settled
on the ground that the
new tank was a
substitute for the
Suppi Wadu, once the
exclusive source of
irrigation to the wet
Lands of Bettatavenkere-
and was therefore
subject to all the
liabilities of Suppi Wadu

But as the Lands of Bettalanekere which lay further from the new tank could only be irrigated after the construction of the distribution channels & as water was meanwhile available, the ryots of Kornahalli were allowed to convert their dry lands into wet, on the understanding that the water-supply was temporary and would be withdrawn when the wet Lands of Bettalanekere should come under irrigation.

This understanding was however ignored when on the subsequent application of the ryots

of Kornahalli Consolidated
wet-rate were imposed
by the Sur Supt on the
wet-Lands of Kornahalli
It will be seen from
the Dy Comr's report &
the lists forming its enclosures,
that these wet-lands
are now heavily assessed
than similar lands of
Bettatavekere.

(23) Under these circum-
stances, the only equitable
course would seem to be
to recognise the prior
right of the wet-Lands of
Kornahalli & the irriga-
tion therefrom and
if necessary to revise the
assessment of the wet
lands of Bettatavekere on
this basis. The extent
of wet-lands in Kornahalli
is 25-9/5 & the extent

of similar lands in
Bettalaverkere is 155-32 a 9

Ry: 21/7/00

[P.S.- (1) The appellants when presenting their petn desired that they should be heard before the matter was disposed of; but this was disposed of "as a non-contentious case"

(2) I regret the delay in the disposal of this notice due to the necessary neglect of ordinary work during the Royal marriage & by having been asked to do special work in connection with a scheme for the formation of a dept of Land Records - agreed with the revision of the L.R. Rules]

(24)

Am I right in understanding that the agreement for leasing the water of Hongadahalla here is also for lands has been built?

Which is the Kodahalla water which is dammed up & irrigates these lands. In either case the water running out is dependent upon the level of the second sluice - & of the surplus water running in the Kodahalla - ? How does this interfere with the water which is let out of another (bid.) sluice to irrigate Komahalli lands?

The Komahalli lands are applied more heavily than the other lands which means I suppose that their source of water-supply is so ordered either a more summer than the other. Kindly clear this note on the plan &c. & return.

I suppose all the lands are permanently applied - int.

27.VII.00 WCB

Resumed (62nd Counsel)

(25) (1) Para 4 of Mr Cain's memo
dt 24/4/98 (P 125-V.
Record) shows that
the acqueduct was not
built but that an
anicut across the
Kodihalla has been
built instead

(2) There appears to be
only one sluice from
the tank (vide sketch
rec'd with Supdt's letter dt
15/5/00) This also appears
from the V Record, the
report of Betta Lavenkel
asking for a second sluice
& the P.W.D promising
an acqueduct & giving
finally an anicut across
the Kodihalla

(3) The Kodihalla
a fortiori the anicut across
it receives water-supply
only when the water in the

tank discharges above
the waste-weir while
the channel issuing
from the sluice – which
is of a lower level than
the Kodi – has a better
supply than the Kodihalla
& has a supply so long
as the level of the water
in the tank does not
fall below sluice level

The Kannahalli lands
lie at the head of the
channel issuing from
the sluice of the tank
& the principle of classifying
the value of water according inversely
& distance from the head
sluice was much discussed
& accepted by Govt in
the papers relating to
the settlement of Terrinpattam lands
(G 271 of Selection No X)

(4) All the lands in Kannahalli
have been
permanently assessed

as well (vide Govt's
Reply to query 3 in his letter of
15/5/00)

Thy 28/7/00

Rec'd 7.0 pm
28.7.00
Forwarded
Please back
Mr Executive
Engineer
Mrs Dhl
Wrawlers
Revenue
1/8/00

Submitted
1.8.00

(26) See if there is any
recognition of the right
of the landholders
under suggested bodies
to be created from the
new Act in the Govt
Rules regarding the
construction of this Canal

Therefore of both
the Govt Canal Rules,
as remarked by the
Asst Engr, I have to
the natural lay of the
ground the irrigational
facilities afforded thereby
the rules have allowed
the natural advantage
which is not unreasonable

4

I understand that
circulars are about to be issued
issued to water-
-classification on
the assumption of having
a pre-existing
right does not
seem to be sound
in principle.
Supposing the land
under the dams now
classed as water includes
all the land formerly
irrigated by the various
springs there is in it
a fair salesperson
to forget by the Delta
-department which has
just let us
make ourselves
A owner of Mashonaland
and to consult the
Attorney when the
project was framed
the case sanctioned

Chief

3. VIII. 00

9th 2 August work
10th 2 Holiday

Mr Goodhart 8.8.00.
Re: Draft
11-8-00

(27) I found further reference
to my earlier unofficial letter
No. 196 dated 20-9-30, re-
-garding the lands
irrigated by the Anicut
-des all the lands, now
formerly irrigated by the
Suggi Wadalu and that
consequently the Anicut is
considered the primary
source of water supply
to Beltalavarakere lands
and also substitute
for the Suggi Wadalu; and
submits a brief his-
-tory of the case as
follows:-
"Formerly the lands of
Beltalavarakere were
irrigated by means of a
channel from the Suggi
-Wadalu. This Suggi Wadalu
bund and on the appli
-cation of the ryots for it
restoration the D.B.W found
that it was not feasible
and Colonel Bowen
himself fixed upon a
site higher up the stream
and the new bunds of

Heroya Himakere

Thereupon the above was accordingly built. This tank thus takes the place of the old Suggi Wadda and the lands formerly irrigated by the Suggi Wadda naturally have the prior claim to the water from this new tank; but it was subsequently found that, to get water to the Bettalavaraltara lands, it had to be conveyed across the Kodihalla (which is the original old stream which fed the Suggi Wadda) as no sluice could be placed to the north of the nalla to which side the Bettalavaraltara lands lie. I suggested that the water from the sluice should be taken across by means of an aqueduct; this, however, was not approved of by the D.P.W, and an anicut was accordingly built on the site of the old anicut which formerly supplied water to the Karnahalli gardens

gardens of the various
people now objects to this
assessment, that their rights
have been interfered
with, but as the lands
formerly irrigated by
this old ancient only
amount to some small
gardens (measuring
in all 2 1/4 acres 22 guntas,
hagaeyet assessed at
Rs 69-8-0). I think this
difficulty can be over-
come by giving them a
regular another sluice on
the other side of the "

iii " Whilst the question
of building the aqueduct
for the Bettadavalare
lands was in abeyance
the main channel was daily
full of water, and the
Kowshalli land holders
immediately below it
asked me for the tempo-
rary use of the water
as their crops were in
want of it. This was
accordingly done - vide
my memo dated 18-6-95 -;
but for some reason

or

or other these dry lands of Karnahalli appear to have been assessed permanently at wet rates and consequently they have purloined the water from the tank to the detriment of the Bettalavarakere ryots."

IV As on my inspecting the lands in question on the 8th (September 1900), I found that the Bettalavarakere ryots had dug their channel, some 2 miles in length and complained that Karnahalli ryots had usurped their legitimate water. This I found to be a fact and on questioning the Karnahalli ryots, they were perfectly willing to forego all claim to the tank water provided they were only called upon to pay their original dry rates instead of the newly imposed wet rates. I consider this only fair, as the tank is found to hold

holds gains up Sidhout water
from the tee, Kavertakalli
and Bettadavalatere
lands and unless
another source is made
exclusively for the use
of the Bettadavalatere
lands, it fails to see
how they will be distributed
the water equitably and
amicably. (1) and
(2) of course another
alternative would be
either to give the present
water supply to the
Kavalakalli people
and find another
supply for the Bettada-
valatere people or
to grant the Bettadava-
latere lands, half
remission as was
being done up to last
year. The
Bettadavalatere Scheme
would thus more profi-
table to Government
Especially be seen from
the following figures.

Increase

Increase from wet } Rs. as. p.
and Bagayet — } 1394-8-0
reduced decrease in
dry assessment. } 294-4-0

Net increase Rs 1100-4-0.

"The net increase on wet and Bagayet assessment on the Karnakalli lands now imposed is Rs 1100-4-0 as above, and the half remission now allowed to the Bettala-varalcare people is Rs 200-12-0, leaving a margin of Rs 899-8-0 as profit to Government."

TE (Para 28)
9.10.00

The Chief Engineer in his letter No. 5813 dated 6.11.00 Subs. mits copies of the papers noted in the margin and states that he agrees with the views of the Superintending Engineer Western circle who reports that there is not the least doubt that the tank was constructed for the express purpose, in the first instance of irrigating the old wet lands of Bettada Lavarakere village and the ryots of that village should

(T)
1) Letter No. 4165 dated 31.10.00 from the Suptg. Engineer to the Chief Engineer
2) Letter No. 314 dated 17.10.00 from the Executive Engineer Kadur Dn. to the Suptg. Engineer
3) Office report of the Executive Engineer dated 21.12.1897 in re the new tank of Hevagettinakere.

have the prior right to the supply, that the capacity of the tank is sufficient to irrigate the Karnakalli village as well in ordinary years, but that whenever the supply is deficient the regular Pattah-lavarakere should have the prior right to the water and that this can easily be arranged by altering the left-bank channel to be closed.

(29) The Executive Engineer reports that the old Sugge Vaddu was abandoned as ordered by the Chief Engineer in his memo No 1056 dated 13th March 1891, and the Hengethu-alle was constructed instead; that there is no record in the office to show that the D.P.W. recognized the priority of claim to water for the lands below Sugge Vaddu that the Commissioners (Messrs Sparks and Carr) have decided that the old wet lands lying principally

in the Baltadlavarakere village has a prior lien on the water; that the Baltadlavarakere people have also excavated the channel from the anicut to their lands; that the Karnahalli lands lie on the left Ⓧ hand of the stream and the Baltadlavarakere lands on the right hand; that it is therefore not necessary for water to Baltadlavarakere lands to run over the Karnahalli irrigated lands; that the capacity of the Hemagettina kere is 168 units at the sanctioned weir level; that the capacity of the tank itself is not much only 1½ to 2 units being stored in front of the tank; that the stream containing water for several months in the year, a small quantity will be available in the channel for several months though it may not suffice for the lands on the Baltadlavarakere side of the stream; that a portion of the cultivation below the tank consists of gardens and the tank generally fills

Ⓨ (vide map sent with the chief Engineer's letter)

fills every year and stinchar-
-ges; that lands to the extent
of 250 to 300 acres may be
irrigated from its storage.

(30) The report of the Exe-
-cutive Engineer dated 21.12.97
gives a full history of the
construction of the tank. It
is clear from the above that
the new tank is to be constructed
as a substitute for Seggi Vadde
and primarily for the water
supply to Bellaryanakere
lands.

17.11.00.

The Supdg. Engineer is of
positive opinion that the prior
right of the Bellaryanakere
lands for the water
of Nerganahalli. He is
of opinion that in normal
years, the tank is capable
of irrigating the lands of both
Nerganahalli and Bellaryanakere
villages that
but in any
year the supply is deficient,
the lands of Bellaryanakere that
can be secured by closing
the left bank channel.

The Dy Commr thinks that
the supply is insufficient for the
lands of both the villages and
suggests that either dry crops
may be cultivated in the

Kamalli pedale or grants
half remissions to the ryots
of Bellandamalli which
would be more judicious since
the net profit
increase left to Government
Rs 149-8-0
Rs 100-4-0.

Yes.
22/11/00.

Submitted to the 1st Commr
with replies to the inquiries
ordered to be made.

Yes.
22/11/00.

R. J. Pm
22.11.00

If we take the rice lands
which the lands of Kama-
halli, a village would
have to undergo it will
be inconvenient if an
attempt is now made
therefore the old state of
things. To the new storage
of the water Kamalli
lands are more advantage-
ously situated, and adopting
the only rational and
reasonable principle of assessment and the natural law of supply
classification the lands
having the highest
have a higher rate of
assessment. The cultivating
right of the inhabitants
is of daily receive a
more and copious
supply of water at all
times. This must therefore
be secured to the land
holders of Kamalli village.

2) Karmelli & Pattanguthere lands irrigated therefrom

The surplus water above can be given to the Pattanguthere village lands which were hitherto dependent upon Suggi Vaddu and are now irrigated from channels drawn from an anicut thrown across the Kodihalla. The rates of these lands are much lower than the rates imposed upon the Karmelli lands, and having regard to the opinions of the Supdg Engineer and the Collr that the water-supply cannot be guaranteed except in ordinary years the S. Suggi ryots requested likewise the water classification of other lands — any reduction of assessment resulting therefrom being granted as remission with Royats. It will be extremely inconvenient & difficult the supervision of the Supdg Engr and Collr and Collr upon the distribution channel irrigating the Karmelli lands in times of drought

5

and scanty rainfall, this case will conflict
the remedy in the talled with the rejected principle
rule of the case is to of the Bill to enable the Secretary of State
alter the rates of settlement to make advances to Irish Landowners
there is a necessity for the for the purpose of facilitating the
suggestion of the Irish Land Conference
Land Conference cannot also be adopted to grant remissions
in the years in which
water will not be sufficient
for the wet cultivation of the whole of their lands
This is a proposal is of a kind to the
policy of Govt in regard to
remissions and cannot be adopted.

(Redraft stating Mr Gault
& Mr Carson's order
in the end submit
to me

8.1.01
Chelmsford

No Irish appeals have
been issued at the Irish
Today Hammond's
appeared before me
I wrote one
Let an Irish be prepared
Dublin 22/5/07

Draft endorsement for each Leg 25/5

Ref to Bill
for draft
&
drafted
18/1/01

Subject

The order complained of has not been produced — may this be referred to the Respondent for disposal?

mg
21/6/98

Petr refers to same order of the D Comm^r

In which case the petn^r should be called upon to produce the order of the D Comm^r

Sg 22/6/98

Encl^s in petn

MM
23/6/98

23/6/98

26-6-98

1898 (Q) 55

No. 2973

Name of Petitioner Hammed Cassim and other rpts of

Village Koriatalli

Taluk Tarikere

District Kadur

Date of Arzi 13-6-98

Date of Receipt 13-6-98

Date of Disposal

No. of Enclosure

ABSTRACT

Petitioners state as follows — viz — they are informed by the Sub-division Officer's order No 533 6-5-97 stating that the Dy. Comr has ordered that lands belonging to Bettalamarleeré are situated behind 'Ruggi Vaddu' should be irrigated first from water of Heroyettina tank & then lands of Koriatalli that they submitted 5 to 6 petitions to the present Dy. Comr to cancel this

order. That the Dy. Comr inspected the land & verbally informed the petitioners that he would not interfere with the order of ~~the previous~~ his ~~Dy Comr~~ predecessor. That the lands behind the 'Huggi Vaddu' are irrigable from a separate tank. That the 'Vaddu' is repairable at ~~an accepted~~ a trifling cost. That water of Herogetti tank is already insufficient to irrigate the lands of Koramahalli. And that therefore ~~that~~ they pray that ~~water of~~ the Dy. Comr's order above referred to may be cancelled & that water of Herogetti tank should be ordered to be exclusively utilized for the lands of Koramahalli.

M.Y.
18/6/98

Refer
21.7.98

To,
Verify records from refers.

21/7/98

I. R 57-97
SL 2

2
1898

No. 157

Name of Petitioner [illegible]

Village [illegible]

Taluk [illegible]

District Kadur

Date of Arzi

Date of Receipt 15-7-98

Date of Disposal

No. of Enclosure 3 Hand written sheets with sketch plan

[illegible]
20-7-98

Smt Lakshmikara
26/7/98

ABSTRACT

[illegible]
[illegible]

(1) Petition dt 26-7-97 submitted by [illegible]
[illegible]
[illegible]
[illegible]
[illegible]

(2). [illegible] in the land position -
i.e. the opinion given vide [illegible]
by the Secretary [illegible]

(3) The final order passed by [illegible]
the Court.

RK
29/7/98

Affidavit in support of
Writ petition under
Article 226 of the Constitution
of India
Filed on 18.7.89

1902

L.R. 57-97

SL 3

ನಂ.
ಎಸ್ಎಲ್ 35

ಕಾರ್ಯಾಲಯ ನಿರ್ದಿಷ್ಟ ಕಚೇರಿಯಿಂದ, 4-8-98

ಅರ್ಜಿದಾರ ಕೆ.ಕೆ.ಕೆ. — ತಾಲ್ಲೂಕು ಕೆ.ಕೆ.ಕೆ. ಜಿ

ಆರುವರೆ ಗುಂಟೆ ಕೆ.ಕೆ.ಕೆ. ಗೆ ಇಂತಾರನ ಪುತ್ರರು

ಶ್ರೀಯುತರಿಗೆ ಕೆ.ಕೆ.ಕೆ. ಅವರಿಗೆ

ನೀವು ಸಲ್ಲಿಸಿರುವ ಅರ್ಜಿಯ ಬಗ್ಗೆ 14-7-98 — ನೀವು ಮೊದಲಿನ ಅರ್ಜಿ

ವಿಷಯವಲ್ಲಿ ನಿಮ್ಮ ಕೆ.ಕೆ.ಕೆ. ಅವರಿಗೆ

Mr Returns requested that
they might be heard before
orders are issued.

Sd. V.R.D.
11/9/99.

Rejoin
6.9.99

Ver Records for reference.

Sd/
1/- One Rupee stamp affixed. Stamp insufficient
(2) The Deposition only contained
Firstly 23rd April 98 - Petition,
the first petn No 2573 having been
received on 15.6.98.

MCJ
13.9.99

Return Stamp being insufficient
(Insufficiency does not form part of the petition)
Sd 16/9/99

Rec'd 8 Sep
20 Nos
Sd

Sent on Notice
Sd. 19-9-99

20-9-99.

1897 (4)

No. 573. 6½

Name of Petitioner Patel Hanume Gowda, Krishnamma & Others

Village Bommenahalli

Taluk Sarjapur

District Kadur

Date of Arzi 7-9-99

Date of Receipt [redacted]

Date of Disposal

No. of Enclosure Fourteen.

ABSTRACT

Petition reference to first fruits No 2,76,923-6-0s they submit authenticated copies of the Dy Comm's order along with this petn.

On 8-9-99 the 4 petitioners, the Dy Comm, inspected the newly constructed Hemegalamma-kere tank and observed that the waste of the said tank should be supplied to the lands of the Bettadahalasanakere village, in the first instance as that tank was constructed

to replace the old bunded
waddo tank & then to the
Kornahalli village lands.

In the year 1898, on some
complaint of the Kornahalli villagers
the Dy: Commr Mr. J. E. Carr
inspected the locality & framed
the following two issues:-
(a) Who have the prior rights
to the waters of the Kodihalla
anicut, now being constructed.
(b) Who have the prior rights
to the use of the water of the
Heroyalamakere tank.

As regards the first issue
the Dy: Commr considered that
the Kornahalli villagers had a
prior rights to the Kodihalla
water as long as the water in
the Heroyalamakere tank is not
above the sluice level, i.e.
during a month or two in the
hot weather.

As regards the second issue
he agreed with his predecessor.

Hence the appeal.

The Respts state that
according to the usage list

Rs 1½ to 13. 66

Land by the Settlement

fixing the assessment

from the year 1842-43 to 1900,

on the lands of this village,

supplied with water from

the Kerigatanakere tank,

they have assessed Rs 1732-8-0

for 330 acres of wet irrigation;

that the acreage in Bettada-

-tanarekere village ranges

from Rs 2 to Rs 3 while

that of Honnahalli village

ranges from Rs 4-8-0 to Rs 5-9-0;

that they are prepared even

to pay the above high rates

provided they are supplied

with water properly through-

-out the year; that the Betta-

-dakanarekere lands yield to

Govt a revenue of Rs 420-0-0,

half even of which has

been remitted till the year

1897-98 owing to the breach

of the Siggi Waddar tank some

16 years ago; that the Bettada-

-tanarekere villagers were

praying for the repairs

of the said Luggi Waldo Tank & not for the supply of water from the Meeyalamaekere Tank; that the P. W. D authorities have opined that 300 acres of land may be cultivated from the water supply of the said Tank, but according to the A. department, no such assessment has been imposed on 330 acres of land of Kornahalli village alone; that as they pay a larger sum of assessment to Govt than the Nettadalamaekere villagers, they must have a prior claim for the supply of water, over from the said Tank, over the Nettadalamaekere villagers; that the breach in the Luggi Waldo Tank is 100 ft long, 60 ft broad & 10 ft deep, which if repaired, its water, will settle with the excess of water of the Meeyalamaekere Tank would be sufficient for the wet cultivation of the lands under Luggi Waldo Tank (Nettadalamaekere lands).

Petn No 513. 68

that instructions regarding
the Uggi Wadda tank, if
the Bellatalawwe Kere villagers
are allowed the Weragalawa-
Kere tank water, there will
be cause for constant
quarrel between the two
villagers.

Pray that in the above
case, their present acreage
may be restored to their
original acreage basis of
assessment or that after
the perusal of all the records
& hearing them in person,
they may be ordered to
use the Weragalawakere
tank water solely for them-
selves & that the Uggi
Wadda tank may also be
ordered to be repaired.

(The villagers state that the
District Authorities of the P.W.D.
have informed them that
copies of the records connected
with this case of the Elahera Canal

be granted to them.)

Enc. 1. List showing the cultivation under the H. tank.

Authenticated copies
2. Ag. Commr's memo Dt. 8-6-95.
3. " order 27-4-98.
4. " " 1085 Dt 24-1-96.

Unauthenticated
5. Amildar's order No 62 Dt. 8-7-95 to the Sheristadar.
6. " " 5638 Dt 1-2-96.

7. Govt Secy's No 1402 Dt 15-1-80.
8. " " 157 Dt 3-8-95.
9. Chief Engineer's No 5063 Dt 5-7-98.
10. " " 314 Dt 18-7-95.

11, 12, 13, 14 } authenticated copies of the cultivable area & assessment memo & old & Kormahalli & Bellandakere villages.

Sm
5/9/99.

Refer
2/10/99

573 of 99 Refers put up.

Sd/R
3/10/99

Subd
The deficient stamps of one rupee has been supplied.

WRR
6/10/99

1) Stamps Suppl.
2) In time
3) Appeal against Govt's order declaring that the wet-lands of Bettadelavenekere have right to irrigation from Heregolanakere tank & that the lands of the petr's village (Kommahalli) were entitled to irrigation from the said tank subject to the right

Rs 4 Con.
8.10.99

Sd/- & 2nd Councillor
7/10/99

call for what is referred
10.10.99

11/10/99 Recd: 19.10.99

Dft Govt
+ office Govt
put up.
20/10/99

2-2-2 (5)

189 9

No. 722.

Name of Petitioner Hanume Gowda & Thimmegowda & others

Village Kommahalli
L.R. 57-97

Taluk Tarikere
SLS

District Kadur.

Date of Arzi 26-9-99.

Date of Receipt 28-9-99.

Date of Disposal

No. of Enclosure Eighteen.

ABSTRACT

In accordance with Govt Sect No 573 dd 19-9-99 they resubmit their original Petn together with its enclosures after affixing Rs 2 Stamps to it.

Sdn
30/9/99.

Pet 388 Pr (1) 25-10-99

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

L.R. 5799

SL 6

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition No. 722 dated 26.9.99 received at the Dewan's Office from Hanume Gowda & other ryots of Kothahalli Sanivara Taluk, appealing against the order of the D.C. declaring that the wet lands of the petitioners have the prior right to irrigation from Kempatamma's tank and that lands of the petitioner's village are entitled to irrigation from the said tank subject to this right is forwarded, together with its Six enclosures, to the Deputy Commissioner of the Kadur District for submission of the entire proceedings connected with the case, together with a full report of the facts of the case, and on the points urged in the petition.

2. The petition with its enclosure should be returned.

Draft C2

By order,

for Secretary.

BANGALORE;
20.10-1899
25
25

Sub.

Recd (copy)

23.12.99

11/1/00

None available till 16/1/1900
A. Vishwanathan
17.1.1900

Recd
3rd Ill
Receipt up
Ill 30/1/00.

Sub with Recd

30.1.1900
Mepal
Enclosure sent as per
Letters written
5/2. ordered
7.2.00.

1899-1900

DEWAN'S

Dpt 198.

FROM
The Deputy Commissioner
Madura District

To
The Secretary to the Govt
of Madras
General & Rev. Department

Dated 1899

Despatched 23rd December 99

Received

General No. 398
No.

Enclosure No. Recd papers

Reporting on the petition
of Harume Gauda & others
of the Kornahalli village
in the Tarikere Taluk re-
garding the right to water
of the Heroya Tank.

Date
21.12.99

Recd 22.12.99
Reply put up

Ill
22/12/99

Deputy Commissioner's office
Kadur District

Chikmagalur, 18th December 1889

From

The Deputy Commissioner
Kadur District

To

The Secretary to the Govt of Mysore
General and Revenue Depts

Sir,

With reference to your official memo no Rev 388 of the 20th October, 89, forwarding for report the petition of Hanumie Gowda and others of the Bommahalli village in the Tarikere Taluk appealing against the order of this office directing that the wet lands of the Bettadatavarekere village have prior right to irrigation from Yeriyatimmere tank, and that the lands of the petitioners' village (Bommahalli) are entitled to irrigation from the said tank subject to that right, I have the honor to report as follows.

2 The tank known as "Bettada-tavarekere Kiggi Taddu" had under an ayakat of 107 acres and 32 guntas bearing an assessment of Rs 691-5-. As it breached, one half of the assessment on the lands under it was remitted from the year 1882. When it was injected for the space

of

of restoration the P.W.D. found that it would be far more advantageous to restore the Veraiyattiankara tank in the Kannahatti village (now in question), it being in a higher level than the breached tank, and decided that the lands under the latter a moiety of assessment on which was being remitted should be supplied with water from the former on its restoration and that then the excess water might be given to the lands under it (in Kannahatti and Belliseevanahatti villages).

5. After the completion of the restoration of the (Veraiyattiankara) tank, Mr. Sparkes the then Deputy Commissioner and Mr. A. Ranga Rao, the then Executive Engineer inspected it with the then Amildar and after hearing the parties passed orders that as the new tank (Veraiyattiankara) had been built to replace the old breached Lingi Vaddu the lands under it (the latter) should have the previous right to water and then the lands

of the petitioners as much of them were recently converted into net. (Vide Mr. Clarke's memo dated the 18th June 1895, a copy of which is filed with the records do).

4 Mr. Carr inspected the spot again with the General Assistant Commissioner, Amildar and the P.W.D. Sub Division officer, with reference to the objection of the petitioner to the construction of the anikat across the Madihalla of the new tank. This anikat was being constructed in accordance with the orders of the Superintending Engineer Mr. Pettitson as he considered that the aqueduct decided upon by Mr. Clarke and Mr. Ranga Rao was unsuitable. Mr. Carr observed that the points to be decided were

(a) who had the prior right to the water of the anikat and

(b) who to the water of the new tank.

After consulting the said officers, he decided that as regards the water of the anikat, the Kurnahalli ryots

(viz the petitioners) Vidiya, as the anikattiyas are old ones and was formerly constructed by their ancestors, have the prior right to it. When the new tank did not suffice. As regards the 2nd point viz: as to who had the prior right to the water of the tank, he decided that Mr. Parker's order of the 18th June 1896 should stand in its entirety viz:- that the Bettadatana-rehere villagers, should have the prior right to it. (Vide copy of Mr. Carr's memo, dated the 24th April 1895 filed with the records). The present appeal of the Nonnahalli appts is against this order.

5. The Amildar of the Tarikere taluk reports that since the restoration of the tank in 1894-95 the appts of Nonnahalli (viz: the petitioners) have been taking the tank water to their dry lands and been paying water rate.

6. The chief point for consideration is if the tank and anikat can irrigate all the lands brought under them as irrigable by them.

this may be investigated in the D.N.D. and the excess lands, removed from their atchkat.

The vernacular correspondence ending with the Northern Division Assistant Commissioner's yadi no 388 of the 29th November 1899 is herewith submitted for reference and favour of return.

I have the honor to be,

Sir,

Your most obedient servant,

M. Venkatarama

Deputy Commr.

Kadur Dist.

1899/900

From

The Secretary to Govt
Genl and Rev Depts

To

The Deputy Commr
Cuddapah Dt

Dated 15-2 L. R. 5793

Despatched 15 Feby 1900.

Received SL 8

General No. 5731
P. No. 745

Enclosure No.

In returning herewith for reference and resubmission, the papers received with his letter No 398 dated 18.12.99, I have the honor to request that he will be so good as to submit a further report on the following points.

(1). What is the extent of land in Kottamahalli village, which has been converted into wet since the restoration of Heregathana Cane Tanks?

(2) What is the average rate (wet or garden) at which the above

above lands have been assessed ?

(3) Has the revised assessments, as fixed in (2), been included in the Akarband and, if so, why was the temporary nature of the water supply, which is set forth in Mr. Sparke's memo dated 18.6.95, ignored ?

(4) Is the ~~water~~ rate referred to in (2) greater or less than the wet rate at which lands under Suggi Wadam are assessed ?

2. The Dy. Comr. is further requested to submit a sketch showing clearly the course of the channel issuing from the sluice, the Kodihalla, the anicut across the Kodihalla, the course of the channel, if any, issuing from the anicut, and the wet-lands of Karauballi and Bettadalavarakere, as the sketch now in the V. records is not clear enough.

By order,

for Secretary.

7.2.00.

10-2-1900

Subd D.C. Gorakhpur
Trans precis Continued

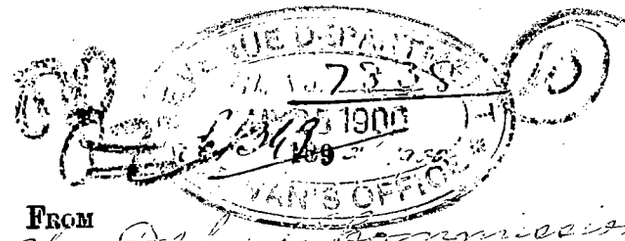
Mkly
30-5-00.

21/7/00

Rd 7.30 Pm.
21.7.900.

L.R. 57-99

858



From The Deputy Commissioner
Gorakhpur Division

To The Secretary to the
Govt of Bengal
General & Revenue Dept

Dated 15th May 1900

Despatched

Received

General No. 758
No.

Enclosure No 4 Seven papers

Submitting further particulars on certain points connected with the right to the use of the Harpathinakeni tank water in the Dasthana Mc

Pdn Bl. 25/5
24/5/900

Rep. Postponed

All
26/5/900

In Mukh Rem on Acting basis
25/5/00
Rs 29.5.00.
a Received
30.5.00.

Office of the Deputy Commissioner
Kadur District
Date Aug 6th 1900

From

H. E. C. Carr Esquire
Deputy Commissioner
Kadur District

No

To The Secretary to the Govt of Mysore
General Land Revenue Department.

Sir,

In reply to your circular No. [illegible] dated 2nd February 1900 calling for further information on certain points connected with the right to the use of the Sigegadderas land under wet and dry cultivation, I have the honor to submit my answers in the form desired by the Government.

= Queries =

(1) What is the extent of land in the Kasabah village which has been converted into wet since the resettlement of the Sigegaddi land?

= Answers =

(a) Government dry lands converted into—

wet — acres assessed
253-36 1263-8-0
garden — 5-2 67-0-0
Total 259-38 - 1329-8-0

(b) Inam lands converted into wet —
15-7-74 ...
Total Assessed Rs
255-5, 1394-8-0

Note. For particulars details see Annexed list marked A.

(2) What is the average rate (net or gross) at which the above lands have been assessed?

	highest rate per acre	lowest rate per acre
Net	£ 6-9-0	£ 4-3-0

Average £ 4-12-0 per acre

	highest	lowest
Garden	£ 15	£ 7

Average £ 8-8-0 per acre.

---

(3) Was the revised assessment, as fixed in (2) been varied on the Appeal and if so, why was the percentage value given in each case varied?

Has the revised assessment, as fixed in (2) been agreed to by the Ratepayers?

Yes; because the ratepayers of Ravenshill village agreed to have their lands assessed with permanent wet and garden rates, and to irrigate their lands from the sprayettes here named water.

Has the recommendation of the Valuer in respect of Ravenshill village been adopted, the Survey Department classed all the cultivated dry lands of the village as wet, and having fixed wet and garden rates for them, re-assessed revised the whole lands. This circumstance accounts for the Ratepayers' orders of the 3rd June 1895 withdrawing temporary water rate on the Ravenshill dry lands not having taken effect.

(2) of the said Reserved to in (2) grantees or Coe from the date, at which land under Suggindaba are vested

Grantees — the rates under Suggindaba being as follows: —

Rights of Upper are taxed @ 2/6 per acre.

Average @ 5-4-.

2. The Native title for the grant of land is extinct. In it, the Channel running from the mine of the Hergottwara land, and from the Nadi valley united and its course are given.

3. Lots marked B and C are vested, showing numbers the acreage and assessment of the wet lands of the Nomadi and Settlementwara villages respectively.

4. As regards the question of fresh rights to the water of the Hergottwara land, both the Grantees and the Government, that as the right of the mine land was understood by the Irrigation Department, in preference to reconstructing the Suggindaba — which would have cost Rs. 1,00,000 the Settlementwara lands — these lands accept to have a fresh right to the water of the Hergottwara, at will be seen from the returns, however,

That owing to the most [illegible] of the
irrigable land under the Kerrawandi village [illegible]
the Kerrawandi village have complete
for more large[illegible] than their neighbours
in Kittadaimukha, and cannot see
therefore what grounds for complaint
they have.

5. The file of memoranda records action
which the Karikar Mudaliar reported
he had taken to remedy the
transmitted to record, together with the
official petition of the Kerrawandi village
and its enclosures.

I have the honour to be

Sir,

Your most obedient servant.

[signature]

Deputy Commissioner
Hassan District

A

List showing the Survey Lots of the Kovalevo village converted into Wet and Garden lands in the Volost of the Hermanstadt District, Taurida Gub.

Serial №	Survey №	Wet		Garden		Total	
		Area	Assessment	Area	Assessment	Area	Assessment
1	2	3	4	5	6	7	8
1	Survey № 2. Part	1 35	11-4-0	85		1 35	11-4-0
2	3 do	6 25	37-4-4			6 25	37-4-4
3	S. № 5	2 11	11-4-0			2 11	11-4-0
4	do 7. Part	1 22	12-3-4			11 22	12-3-4
5	do 8 do	9 13	51-4-4			9 13	51-4-4
6	do 9 do	6 23	32-12-4			6 23	32-12-4
7	do 10	11 1	59-4-4			11 1	59-4-4
8	do 11. Part	7 30	40-12-4			7 30	40-12-4
9	do 12	2 7	12-4-4			2 7	12-4-4
10	do 13. Part		9-8-4				9-8-4
11	do 14 do	12 33	72-12-0			12 33	72-12-0
12	do 15 do		2-0-0				2-0-0
13	do 16 do		3-4-4				3-4-4
14	do 17 do	21	8-8-4			21	8-8-4
15	do 18 do	6 25	34-4-4			6 25	34-4-4
16	do 19 do	11 17	62-4-4			11 17	62-4-4
17	do 20 do			3-4-4			3-4-4
18	do 23 do	3	1-4-4			3	1-4-4
19	do 24	9 23	53-4-4	38	5-12-4	13 18	59-4-4
20	do 25. Part	5 8	31-8-4			5 8	31-8-4
21	do 26. do			2-8-4		2 8	8-8-4
22	do 27 do		8-8-4				8-8-4
23	do 28 do		4-4-4				4-4-4
24	do 29 do			2-4-4		2-4-4	

57	S. No. 112	-	16	2-0-0	-	-	-	-	-	16	2-0-0	
58	D° 115	-	32	3-8-0	-	-	-	-	-	32	3-8-0	
59	D° 116	3	5	16-0-0	-	-	-	3	5	16-0-0		
60	D° 120 &	-	34	4-0-0	-	-	-	-	34	4-0-0		
61	D° 121	-	24	3-0-0	-	-	-	-	24	3-0-0		
62	D° 122	-	32	3-8-0	-	-	-	-	32	3-8-0		
63	D° 46	3	2	14-0-0	-	-	-	3	2	14-0-0		
	Total Government	233	36	1255-8-0	5	2	67-0-0	239	38	1322-8-0		
	Jhansi Land											
64	Survey No. 4	7	27	36-0-0	-	-	-	7	27	36-0-0		
65	D° 6	2	-	9-8-0	-	-	-	2	-	9-8-0		
66	D° 137. Pt.	3	34	20-8-0	-	-	-	3	34	20-8-0		
67	D° 38.	1	26	8-0-0	-	-	-	1	26	8-0-0		
	Total Jhansi	15	7	74-0-0	-	-	-	15	7	74-0-0		
	Grand Total	248	3	1327-8-0	6	2	67-0-0	255	5	1394-8-0		

J. Clan

Dy Com. Cadastral Dt.

Camp

1900

H.S.

27-4-1900

25	Survey No 30 Part	-	-	-	-	8	6 - -	-	8	6 - -
26	Do Do	-	-	-	-	9	3 - 8	-	9	3 - 8
27	Do 32 Do	-	-	-	-	-	3 - 8	-	-	3 - 8
28	Do 34	12	31	66 - -	1	6	8 - 8	14	7	74 - 8
29	Do 35	4	13	21 - -	-	-	-	4	13	21 - -
30	Do 39 Part	1	38	13 - -	-	-	-	1	38	13 - -
31	Do 40	9	32	46 - 8	-	-	-	9	32	46 - 8
32	Do 45 Part	5	19	27 - -	-	-	-	5	19	27 - -
33	Do 76 Do	3	2	1 - 4	1	38	9 - 8	5	-	10 - 12
34	Do 80 Do	-	-	-	-	-	2 - 8	-	-	2 - 8
35	Do 81	10	21	55 - -	-	-	-	10	21	55 - -
36	Do 82 Part	-	-	4 - 12	-	-	-	-	-	4 - 12
37	Do 83 Do	-	-	4 - 12	-	-	-	-	-	4 - 12
38	Do 84	23	7	121 - 8	1	10	7 - 8	24	17	129 - -
39	Do 86 Part	4	4	25 - 12	-	-	-	4	4	25 - 12
40	Do 88 Do	-	-	-	-	-	3 - 8	-	-	3 - 8
41	Do 89 Do	-	-	-	-	-	4 - -	-	-	4 - -
42	Do 90 Do	-	-	1 - -	-	-	-	-	-	1 - -
43	Do 91 Do	-	-	-	-	-	1 - 8	-	-	1 - 8
44	Do 92 Do	-	-	-	-	-	1 - 8	-	-	1 - 8
45	Do 93 Do	1	23	10 - 12	-	-	-	1	23	10 - 12
46	Do 95	13	6	60 - -	-	-	-	13	6	60 - -
47	Do 96 Part	6	12	29 - 8	-	-	-	6	12	29 - 8
48	Do 97	5	39	27 - -	-	-	-	5	39	27 - -
49	Do 100	7	28	35 - 8	-	-	-	7	28	35 - 8
50	Do 101	1	38	8 - 8	-	-	-	1	38	8 - 8
51	Do 102	-	17	1 - 12	-	-	-	-	17	1 - 12
52	Do 106	4	10	22 - -	-	-	-	4	10	22 - -
53	Do 107	3	7	15 - 12	-	-	-	3	7	15 - 12
54	Do 108	3	32	17 - -	-	-	-	3	32	17 - -
55	Do 109	3	9	14 - -	-	-	-	3	9	14 - -
56	Do 110	1	5	5 - 8	-	-	-	1	5	5 - 8

List of the serial numbers [illegible] Supplementary Survey and the Batta[illegible] village, Taluk

Serials No.	Name of Inamdar	Survey No.	Wet Acres	Wet Assessment	Garden Acres	Garden Assessment	Kharab Acres	Kharab Assessment	Remarks
1	2	3	4	5	6	7	8	9	10
1	Survey	1	2 26	10 - - -			2 26	10 - - -	
2		35	1 26	6 - 2 -			1 26	6 - 8 -	
3		37	1 31	5 - 8 -			1 31	5 - 8 -	
4		40	1 24	4 - - -			1 24	4 - - -	
5		32	3 34	10 - - -			3 34	10 - - -	
6		39	3 23	9 - 8 -			3 23	9 - 8 -	
7		42	3 7	8 - 8 -			3 7	8 - 8 -	
		43	2 11	6 - - -			2 11	6 - - -	
		44	2 24	6 - 8 -			2 24	6 - 8 -	
		45	2 3	5 - 8 -			2 3	5 - 8 -	
		46	1 36	5 - - -			1 36	5 - - -	
		47	3 9	8 - 8 -			3 9	8 - 8 -	
		48	3 15	9 - 8 -			3 15	9 - 8 -	
		49	5 2	15 - - -			5 2	15 - - -	
		50	1 36	2 - - -			1 36	2 - - -	
		65	2 21	8 - 8 -			2 21	8 - 8 -	
		81	1 21	4 - - -			1 21	4 - - -	
18		82	4 30	13 - - -			4 30	13 - - -	
19		83	14 28	40 - - -			14 28	40 - - -	
20		87	3 2	9 - - -			3 2	9 - - -	
21		91	10 6	34 - - -			10 6	34 - - -	
22		94	7 2	24 - - -			7 2	24 - - -	
23		98	1 34	5 - 8 -			1 34	5 - 8 -	
24		101	- 34	2 - 4 -			- 34	2 - 4 -	
25		102	- 28	1 - 12 -			- 28	1 - 12 -	

Survey Number 1 was [illegible] Inamdar Venkatappa Nayak Chowkel Bandicherry from the Hon'ble Mr. Aungier the Chief of Tellicherry.

26		S.N. 103	2	5	5-8--	-	-	-	2	5	5-8--
27		104	1	13	3-8--	-	-	-	1	13	3-8--
28		108	11	29	32-12--	-	-	-	11	29	32-12--
29		113	1	25	4-8--	-	-	-	1	25	4-8--
30		57	8	5	24---	-	-	-	8	5	24---
31		85	9	2	24---	-	-	-	9	2	24---
32		86	5	24	15---	-	-	-	5	24	15---
33		89	6	30	17-12--	-	-	-	6	30	17-12--
34		96	2	23	7-8--	-	-	-	2	23	7-8--
35		97	4	33	16-4--	-	-	-	4	33	16-4--
36		99	4	12	11---	-	-	-	4	12	11---
37		100	1	1	2-8--	-	-	-	1	1	2-8--
38		190	2	-	6---	-	-	-	2	-	6---
39		112	-	-	-	-	20	2---	-	20	2---
40		90	2	-	6-12--	-	-	-	2	-	6-12--
41		117	1	24	6---	-	-	-	1	24	6---
42		36	-	31	2-12--	-	-	-	-	31	2-12--
43		41	1	25	4-8--	-	-	-	1	25	4-8--
44		84	1	17	4-8--	-	-	-	1	17	4-8--
		Total C	155	12	446-4--	-	20	2---	155	32	448-4--
45	Kaili dei mercatelle	6	1	11	4-12--	-	-	-	1	11	4-12--
46		56	1	18	4-8--	-	-	-	1	18	4-8--
47		34	1	33	7-8--	-	-	-	1	33	7-8--
48		31	-	-	-	-	39	4---	-	39	4---
49		32	-	-	-	2	13	8-8--	2	13	8-8--
50		33	-	-	-	-	36	3-8--	-	36	3-8--
51		64	2	18	7-8--	-	-	-	2	18	7-8--
52		66	4	32	13---	-	-	-	4	32	13---
		Total C	11	32	37-4--	4	8	16---	16	-	53-4--
53		118	17	7	42-12--	-	-	-	17	7	42-12--
		Total C	184	11	526-4--	4	28	18---	188	39	544-4--

Other sources											
Budget Cattle	L.No. 20	4	19	14-0-0				4	19	14-0-0	
	21	2	24	8-0-0				2	24	8-0-0	
	22	4	27	13-0-0				4	27	13-0-0	
	23	4	13	15-0-0				4	13	15-0-0	
	24	4	12	14-0-0				4	12	14-0-0	
	25	3	12	9-3-0				3	12	9-3-0	
	26	4	11	14-0-0				4	11	14-0-0	
	27	2	6	3-3-0				2	6	3-3-0	
Jain	29	1	33	5-0-0				1	33	5-0-0	
	58	2	27	7-3-0				2	27	7-3-0	
	59	3	4	8-8-0				3	4	8-8-0	
	60	4	-	11-0-0				4	-	11-0-0	
	62	8	35	20-12-0				8	35	20-12-0	
	63	1	14	2-0-0				1	14	2-0-0	
Jain	23	3	32	10-0-0				3	32	10-0-0	
Of	32	1	26	5-8-0				1	26	5-8-0	
	Total C	57	11	171-4-0				57	11	171-4-0	
Pattadakkal	162	2	11	6-0-0				2	11	6-0-0	
	161	1	37	5-4-0				1	37	5-0-0	
	164	3	6	9-0-0				3	6	9-0-0	
	18	3	31	10-0-0				3	31	10-0-0	
	17	3	26	10-0-0				3	26	10-0-0	
	15	1	24	5-0-0				1	24	5-0-0	
	14	-	31	2-0-0				-	31	2-0-0	
	Total C	23	6	53-4-0				23	6	53-4-0	
Kaval Hanuma- Byrapura Katte	154	1	1	2-8-0				1	1	2-8-0	
	156	3	33	12-0-0				3	33	12-0-0	
	157	3	9	10-0-0				3	9	10-0-0	
	159	5	25	23-0-0				5	25	23-0-0	
	Total C	14	17	47-8-0				14	17	47-8-0	
Kaikhaven	2	2	22	5-8-0				2	22	5-8-0	
	123	1	19	4-0-0				1	19	4-0-0	
	127	4	25	12-0-0				4	26	12-0-0	
	129	-	-	-	4	27	23-0-0	4	27	23-0-0	
	133	1	29	2-8-0				1	29	2-8-0	
	135	1	11	2-0-0				1	11	2-0-0	
	138	-	25	1-12-0				-	25	1-12-0	
	139	-	-	-	1	32	13-0-0	1	32	13-0-0	

S.No.										
141	-	-	-	-	6	1-8--	-	6	1-8--	
142	-	-	-	1	22	17--	1	28	17--	
144	-	-	-	1	24	18--	1	24	18--	
145	-	-	-	-	26	5--	-	26	5--	
146	5	4	17--	-	-	-	5	4	17--	
147	1	33	6--	-	-	-	1	33	6--	
184	-	-	-	-	4	--8--	-	4	--8--	
15	1	38	5-8--	-	-	-	1	38	5-8--	
105	-	15	--12--	-	-	-	-	15	--12--	
109	-	37	1-8--	-	-	-	-	37	1-8--	
Total	22	18	69-8--	10	2	81--	33	5	84-2--	
Grand Total	340	23	802-12--	15	15	79--	3 15	33	761	

Cancl

1900

27-4-1900

D. C. Cam
Dr Cam. R.D.C.

8
9
10
11
12
13
14
15
16
17

B

List of the cultivated gardens of the Thakurii village [illegible] Thakurii Taluka.

Serial No.	Survey No.	Wet		Garden		Total		
		Acres	Assessment	Acres	Assessment	Total Acres	Assessment	
1	2	3	4	5	6	7	8	
1	Part of Survey No. 2	- 23	1-12--			- 23	1-12--	
2	Do 3	1 30	5----			1 30	5----	
3	Do 7	2 20	6-8--			2 20	6-8--	
4	Do 8	1 31	3-8--			1 31	3-8--	
5	Do 9	1 2	2-4--			1- 2	2-4--	
6	Do 11	- 32	2-4--			- 32	2-4--	
7	S.No. 13	2 34	6-8--			2 34	6-8--	
8	Part of S.No. 19	1 30	3----			1 30	3----	
9	S.No. 25	2 11	6-8--			2 11	6-8--	
10	Do 27	2 14	6-8--			2 14	6-8--	
11	Do 37	- 30	1-12--			- 30	1-12--	
12	Do 39	1 15	4----			1 15	4----	
13	Part of S. No. 45	1 11	3----			1 11	3----	
14	Do 76	1 37	8-8-0			1 37	8-8--	
15	Do 96	- 30	2-8-0			- 30	2-8--	
16	Do 14	2 -	6-4--			2 -	6-4--	
17	S.No. 16	3 33	17----			3 33	17----	
18	Part of S. No. 17	3 21	13----			3 21	13----	
19	Do 18	- 15	1----			- 15	1----	
20	Do 20	- -	-	1	26 9-12--	1 26	9-12--	
21	S.No. 21	- -	-	2	5 21----	2 5	21----	
22	Do 23	- -	-	-	25 3-12--	- 25	3-12--	
23	Do 26	- -	-	1	8 7----	1 8	7----	
24	Do 29	- -	-	-	38 5-12--	- 38	5-12--	

25	L. N° 30	-	-	-		12	26 - 4 - 4	4	12	26 - 4 - 4
26	D° 31	-	-	-		38	4 - 12 - 4	-	38	4 - 12 - 4
27	D° 32	-	-	-	1	24	9 - 8 - 4	1	24	9 - 8 - 4
28	D° 77	-	-	-	3	~~24~~ 14	33 - 8 - 4	3	14	33 - 8 - 4
29	D° 79	-	-	-	1	2	10 - 12 - 4	1	2	10 - 12 - 4
30	D° 80	-	-	-	-	34	3 - 8 - 4	-	34	3 - 8 - 4
31	D° 82	2	37	9 - 4 - 0	-	-	-	2	37	9 - 4 - 4
32	D° 83	2	7	5 - 12 - 4	-	-	-	2	7	5 - 12 - 4
33	D° 86	2	9	8 - 4 - 4	-	-	-	2	9	8 - 4 - 4
34	D° 87	-	-	-	2	2	20 - 8 - 4	2	2	20 - 8 - 4
35	D° 88	-	-	-	1	21	7 - 8 - 4	1	21	7 - 8 - 4
36	D° 89	-	-	-	1	23	7 - 12 - 4	1	23	7 - 12 - 4
37	D° 90	1	36	9 - 4 - 4	-	-	-	1	36	9 - 4 - 4
38	D° 91	-	-	-	1	16	7 - 4 - 4	1	16	7 - 4 - 4
39	D° 92	-	-	-	1	27	8 - 8 - 4	1	27	8 - 8 - 4
40	D° 93	-	27	2 - 4 - 4	-	-	-	-	27	2 - 4 - 4
41	D° 28	1	26	4 - 8 - 4	-	-	-	1	26	4 - 8 - 4
42	Part of L. N° 15	3	6	14 - 4 - 4	-	-	-	3	6	14 - 4 - 4
	Total C	48	7	153 - 12 - 4	26	35	186 - 8 - 4	75	2	340 - 4 - 4

Camp

1900

T. C. Cam

Dr Cam' Kam Dc

H.S.

M
27/4
900

Memorandum Subject

12/6/00.

7229/99 Memo No 3288/26-10-99

Genl. No: 7838 / 15-5-900
0 349

from Sc Revenue letter No: 758, date 27, relating to the right to the use of the Herayellina Kere tank-water, Sirikere Village was submitted to the Asstt Secretary on 30-5-900.

All
14/6/900.

L.R. 5)-9)

Subd
mby
17/6/00

SL 10-

(Vide note in file 9)2-00)

G.S. (180.00)

No. 2206

Name of Petitioner: Vanjantiah for

Village: Bellalanarekere

Taluk: Sirikere

District: Kadur.

Date of Arzi: 13-5-00.

Date of Receipt: 21-5-00.

Date of Disposal:

No. of Enclosure: Nil.

ABSTRACT

State That- They had con-
-tracted with Suggi Va
at their own cost, for whi
they were allowed one four
remissions on their land
Next the same having be
-ed 25 years ago, the peti
-tioner contracted another tank 'He
-yattinakere' higher up th
former repaired at cost of ~~Rs~~
~~Rs~~ Rs 15'000; That the wet
atchakal of Bellalanarekere
village is Rs 501 & not 51 a
entered in the list; That
as the water from Herayattina

has to pass through a valley
while coming to their village
the Dy: Commr on 18-7-95
ordered an anicut to be built;
that the P.W.D authorities finding
this anicut to be useless, ordered
a 'Katte Hole' to be built at a
cost of Rs 2000 and a sluice kept
in the said Katte, on the side
of their village; ~~that the Korma~~
~~Gatte people having taken ob-~~
~~jection~~; that in spite of the
objection raised by the Korma
people, the Katte was
built by the Dy: Commrs order
on 24-4-98 and water has
come to their village through a
channel constructed by the
villagers and full Kandayam
was assessed on their lands;
that the water coming from
Devayattinakere, which has got
only one sluice, branches into two
supplying for both the villages
(Kornahalli & Bettalanarekere);
that the Bettalanarekere branch
water coming to Katte Hole again
divides into two whereby water
will be insufficient for them
to raise wheat, sugar cane &
other crops during summer;

Pet. No. 22 of 1899-1900

15

That though there is a large quantity of water in the Heroyattinakere tank yet they hear that correspondent is going on to repair the bund of 'Laggi Vaddu' again. That the above work is an unprofitable affair and moreover owing to the construction of Heroyattinakere higher up, the water supply to the Laggi Vaddu is cut off & that the quantity of water in Heroyattinakere permits another sluice being kept on the Bettalamarekere side. Pray that the water after coming to 'Katte Hole' may not be allowed to again branch into two (the sluice on the Kornahalli side being closed). That to avoid all dispute between the Kornahalli & Bettalamarekere people, a reservoir may be built near the tank and water let to both the villages from two different sluices & that they may [redacted] to

take water from the Kattle
Hole for their Sugar cane
& other crops, when water
from the Hemavathi nalla
is stopped.

GRN
2/6/00.

From Mysore
4/6/00

Read (13) 9/9.

Rect of the Govt of Mysore

L. R. 57-97
8L 11

Read
Correspondence ending with letter No. 758 d. 15/5/97 from the Dy Comr Kadur Dt reporting on the petition of the ryots of Kornahalli village, Tarikere taluk

Order thereon

Copies of the Govt's letters d. 18/12/97 & 15/5/97 will be forwarded to the Ch. Engineer in Mysore with a request that he will be so good as

Dy 1432-33
F. 1888-97 15/3/98
16

to report if at the
time of the construction of
Heroyathmakere tank
the P.W.D recognised
the prior right of the
holders of wet lands
and formerly migrated to
the Kuppi Wadiya to
receive water-supply
from the new tank
(Heroyathmakere) and if so how the right can be
practically enforced when the lands in question lie further down than the Kodiahalla lands
The Chief Engineer is further
requested to report
the Capacity of the
Heroyathmakere tank
& the Area across the
Kodiahalla
2. The Govt Agent is requested
to report if the Lands
irrigated by the Area include

Still the lands formerly
irrigated by the
Suppi Wadda and if
so why ~~Suppi Wda~~
the ~~Aana~~ Ana
Shuld not be considered
as the primary source
of water-supply &
Bethalawelkne lands
and as a substitute
for the Suppi Wadda

Sy

for Sec'y

To Dpty Kadn Dist Engr
Ven viend
Jorh Supt

Vol. 9
247

MYSORE DEWAN'S OFFICE

PETITION DEPARTMENT.

L.R. 57-97

SC. 12

OFFICIAL MEMORANDUM.

The accompanying Petition &

Registered No 2755 dated 30-7-00 & 13-8-
repetition 2206
received at the Dewan's Office from Ranjan
-dish and Others of Bellakware
-Kere village, Nerikere Po: pray
-ing that water from Kattle
-Hole may be supplied to
Kornahalli and Bellakware
Kere villages by means of two
different channels &c,

are
is forwarded, ~~together with its~~
~~enclosure,~~ to the Deputy Commissioner
of Kadur District,
~~for disposal.~~ in Comm^r of Govt.
Progs: No. 1632-33 & 15-8-00
P. 188 16

2. The Dy. Comm^r is re-
quested to return them
when submitting his
report.

By order,

for Secretary.

BANGALORE,
20/8/1900
22
23 Soft grn

Sub-with prev. Corr.
WM
9.10.00

1897
1894

REVENUE DEPARTMENT
G. No. 2335
SEP 25 Oct 2
1899
DEWANS OFFICE

1900-1901

FROM The Deputy Commissioner
Madura District

To The Secretary to the Govt of Madras
General Revenue Dept

Dated 20th September 1900

Despatched 21st

Received

General No. 1136
No.

Enclosure No. 2 papers records

Reporting in re the
disputed water of the Vera-
-pathankere tank by the
Bettatanakere and Rama-
-thalli villagers in the
Davikere taluk

The Q. o is asked This is a
reply from the Sp Commr was
sent to the City Engineer also
for his opinion. No reply seems
to have come from him. Send a
reminder & bring this up
along with that reply.

21/11/00.

3.11.00.

R.P.T.
25.9.00.
OS 26/11.

Respectfully
All
27.9.00

Recd. the enclosed
29/10.
Recis continued and
returned 9.10.00.

Deputy Commissioner's Office
Madura Circuit
Chithmayalur 28 September 1900

From

A. A. Thanker, Esquire
Deputy Commissioner
Madura District

To

The Secretary to the Board of Revenue
General and Revenue Depts

Sir,

In reply to G. O. No 1432-33 Dated Rev. 188 16th August 1900 and memo No Rev 247 dated 23rd August 1900 (enclosures returned) regarding the disputed water of the Nagayathanthiri tank, Tarikere Taluk, and asking whether the lands irrigated by the Ané include all the lands formerly irrigated by the Nagiyanadi, I have the honor to inform you that all these lands are included, and consequently the Ané is considered the primary source of water supply to Bettatanarekire lands and as a substitute for the Nagiyanadi.

2. If I may be allowed, I would like to give a brief history of the case. Formerly, the lands of Bettadanare Kere were irrigated by means of a channel

from

from the Kuggiwaddu: this Kuggi-
waddu tank, and on the application
of the ryots for its restoration the
D. P. W. found that it was not feasi-
ble; and Colonel Bowen himself
fixed upon a site higher up the
stream, and the new tank of Heragattan
Kere was accordingly built. This tank
thus takes the place of the old Kuggi-
waddu, and the lands formerly irri-
gated by the Kuggiwaddu naturally
have the prior claim to the water from
this new tank Heragattan Kere; but it
was subsequently found that to get
water to the Bettanawar Kere lands it
had to be conveyed across the Kodi-
halla, and which Kodihalla is the
original old stream which fed the
Kuggiwaddu, as no sluice could be
placed to the north of the nalla to
which side the Bettanawar Kere lands
lie. I suggested that the water from
the sluice should be taken across
by means of an aqueduct; this
however was not approved of by

the E. P. W., and an anikat may accordingly build on the site of the old anikat which formerly supplied water to the Kannahalli garden. The Kannahalli people may be objected to this, saying that their rights have been interfered with, such as the lands formerly irrigated by this old anikat only amount to some few small gardens (measuring in all 21 acres 22 guntas, Bagayet, annexed at Rough-8-a), but this difficulty can be overcome by giving these ryots another place on the other side of the Ané.

3. Whilst the question of building the aqueduct for the Bettadanahalli Lando was in abeyance the new tank was nearly full of water, and the Kannahalli landholders immediately began to take water for the temporary use of the water as they were withering. This was accordingly done — vide my memo dated 18-6-95; but for some reason or other these dry lands of Kannahalli appear

to

to have been agreed permanently ab wet ratio, and accordingly they have quadrupled the water from the tank to the detriment of the Settavarekere ryots.

4. On my inspecting the lands in question on 8th instant, I found that the Bettavarekere ryots had dug their channel some two miles in length, and complained that Kornahalli ryots had usurped their legitimate water; this I found to be a fact, and on questioning the Kornahalli ryots, they were perfectly willing to forego all claim to the tank water, provided they were only called upon to pay their original dry ratio instead of the newly improved wet ratio. I consider this only fair, as the tank is found to hold insufficient water for both the Kornahalli and Bettavarekere lands, and unless another sluice is made exclusively for the use of the Bettavarekere lands, I fail to see how they will distribute the water evenly and amicably.

5. Of course, an alternative would be either to give the present water supply to the Wanakaki people and find another supply for the Betatanarekere people, or to grant the Betatanarekere people half provisions as now being done up to last year.

6. The latter scheme would be more profitable to Government as will be seen from the following figures.—

Increase from Nek and Bogaget	Rs 1394-8-0
Deduct increase in dry assessment	294-4-0
Net increase	Rs 1100-4-0

The net increase on Nek and Bogaget assessment on the Wanakaki lands now imposed is Rs 1100-4-0. a fair margin, and half provisions allowed to the Betatanarekere people is Rs 250-12-0, leaving a margin of Rs 849-8-0 as profit to Government.

7. The annual correspondence ending with the Northern Division Assistant Commissioner's No. 1261 of 1900 is enclosed for perusal and obliging return.

I have the honor to be,

Sir,

Your most obedient servant,

[signature]

Deputy Commissioner, Wanakaki

MYSORE DEWAN'S OFFICE
PETITION DEPARTMENT.
REG'D. NO. 275 R.
DATE 6-8-00.

Genl. No: 2355 & 20-9-1900 from
Sc Kadur, with file relating to
the water supply from Hemavathi
Hesse, was submitted to the Asstt
Cons. on 9/10/00

All
8/11/00. The file is under draft
given to Mr. Smith Road on
& 2/11/00

Rep. put up.

All
14/11/00
Put up to the Confidential
(Mr. S. Ramachandra)

15/11/00
Mail 4.30. Rec
& 16.11.00.
Precis continued
& 17.11.00

Sub. with precis in Cl

Mail
17.11.00

Vide orders on precis

Rec'd 7-9-1900

Q Secy 7/9

15

REVENUE DEPARTMENT
Gl. No. 3248
N.7
Rec'd 1/9/1900
LEGISLATIVE

MYSORE P. W. DEPARTMENT.

No. 5313

From L.R.S.T.S.

The Chief Engineer
of Mysore.

To SC/4

Re Erection of Iron Fencing
Genl: Store Depot.

Dated Bangalore 5 — — 1900.

Despatched

Enclosure No.

Subject. Fencing

4

Forwarding certain representations from the Supdg: Engr: Kadur Circle regarding details in connection with Iron fencing supplied from Depot attached Plans &c.

Rec'd 8/11/00

MYSORE P. W. DEPARTMENT,

CENTRAL OFFICE,

Bangalore, 6 October 1900.

No. 5213

From

The Chief Engineer of Mysore,
Bangalore.

To

The Secretary to the Government of Mysore
Finance and Revenue Department

SIR,

With reference to Govt: Proc: No: 4532-33 Ag: 5- Feb. 1888 August 1900, requesting to report if at the time of the construction of Hesaraghatta lake Tank the B.D.A: acquired the prior right of the holder of said land formerly irrigated by Suggi Kadde to receive water supply from the same Tank Hesaraghatta lake, and if so, how the right can be practically enforced when the lands in question lie further down than the Nonnahalli lands, also to report the capacity of the Hesaraghatta lake Tank and the one across the Nadihalla, I have the honor to forward copy of Board Proc: No: 4-5 of the 3. Ct: Illegible from the Engr: Eastern Circle and its enclosures, original reporting on the subject and to state that I concur in the views expressed by that officer.

To be obligingly returned.

I have the honor to be,
Sir,
Your most obedient Servant,

Colonel,
Chief Engineer of Mysore.

Enc: 1

(General Series No. 30.)

1900. 115

From

The Executive Engineer

To L. R. 57. 99

The Chief Engineer Mysore

Dated Bangalore 2 Nov. 99

Despatched

Received

General No. 4165 } 190

No.

Enclosures Number.

Chief Engineer's No: 3478 dated 26th August 99, calling for report and estimate, Government Proc: No: H 88-35 Pet 188 dated 5th ultimo, with copies of correspondence on certain points connected with the right to the use of the Hesaraghatta tank water in the Sankey valley.

With reference to the above, I have the honor to forward copies of Executive Engineer's No: 3 dated 17th August, with its enclosures, furnishing the information asked for.

2. From it will be seen that doubts exist as to the Hesaraghatta tank being constructed for the express purpose, in the first place of irrigating the old tank in the Sankey village

village, and the Engrs of that village should have the prior right to the carriage.

3. The capacity of the Canal is sufficient to irrigate the Kavarkalli village lands as well as already made; but considering the trouble in effecting the irrigation - Kavarkalli should have the prior right to the water, and this case can be arranged by making the Eastern channel to be closed.

4. The delay in replying to the reference is due to a reference having to be made to Executive Engineer to the case and forward the sketch to illustrate the Revenue dispute.

5. Original papers are returned.

Sd/- A. C. Martelli
Supdg. Engineer
Northern Circle

"Copy"

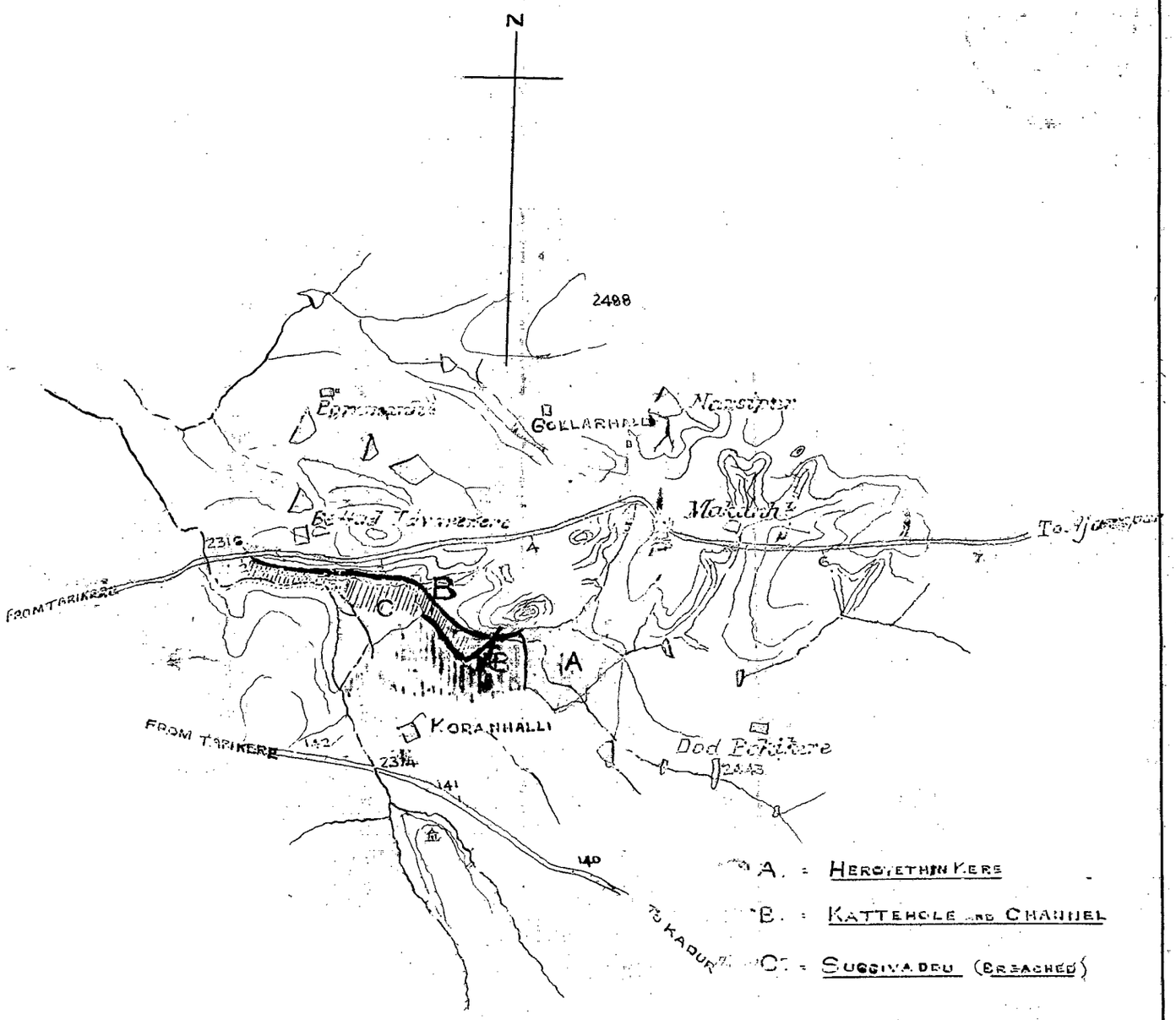
N. Sathiah
Asst. Secretary
Office of the Chief Engr. & Secy.

Bangalore
6/11/00

Encl

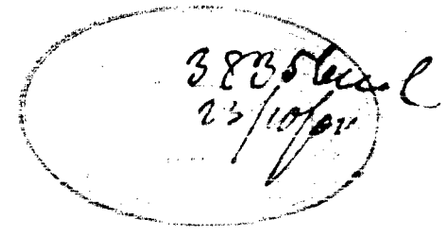
Tracing from Topo Sheet No 24 Showing Heroyethinakere and Works Below

SCALE 1 MILE = 1"



TRACED BY
M. Kuppaswamy Naidu
17 - 10 - 1900

Mukhandan
Offg. Executive Engineer
Kadur Division
Chikmagalur
17 - 10 - 1900


3835 Leuc
23/10/91

From, The Secretary Engineer

To The Superintending Engineer
Western Circle

Dated the Secretariat, Gte
20

Sir,

Memo:

I have the honor to submit herewith a Tracing from Gen Sheet: Section 2 showing the new Navigation, the recently altered Sluice Gate & Waterway & the new Lock and the Embankment Diagonal & Extraordinary. All levels shown are also shown. ——

A copy of this Office Report dated 21st December 1897 (forwarding the estimate for protecting the Outlet referred to above) is enclosed for ready reference, as it gives full information on the proposal noticed. ——

II(2) All the Diagonals are numbered according to the Old System (Left inspection & the Right the New System) in the Gen Sheet: The 355 yards erected by me at the Navigation Entrance Sluice is in pieces in the Office now the C.E. & S.E. Telegraphed the position & Class to work for the Gen Sheet Diagonals. The Diagonals mentioned are: Diagonal Sluice Gate Lock Entrance Sluice Navigation Entrance

From the District Engineer.—

(A) Civil Commercial Canal from the Lighthouse to Fort Victoria and the Rotterdam Basin.

Plan shows the Lighthouse, Fort Victoria, Rotterdam Basin and Canal, and the Engineer not responsible for the Canal & Rotterdam Lands to plan over the Canal & Basin excepted lands.—

And (C). The Capacity of the Magazine in the Limits at Fort Speijk (the Western part shd) The Capacity of the Inner Magazine at Fort Speijk, 1½ ft 2 Limits magazine stated in front on the Plan. The Store containing coals for Naval Depot in the Yard, a small quantity still available, in the Naval Depot Coal Store, though it may not be required for the Land on the Rotterdam side of the Basin. The position of the Ammunition Depot in the Magazine Enclosure Garden and the Tank Pumping Station every year and alterations. Land taken 1½ & 2½ ft for these may be designated from its Storage. The report (copy enclosed) referred to above, explains the subject.—

(Signed) C. Pasley Col.
Mg: Engineer.
a Kadur Division

True Copy.

(Signed) Pasley Col.
Mg: Engineer.
Western Circle.

30/10/80.

Mysore Public Works Department

120

119

Subject

15

SUPERINTENDING ENGINEER'S OFFICE
REG'd No. 2835
23/10/99
STERNCHI

4929
1 ... 1899
Mysore P. W. Dept.

Estimate of the proposed scheme for watering the old Kattehole or Amkat across the Hosahalla of Hemyetimittere so as to pick up the Hosli and other waters and lead the same to the right bank of the Stream to irrigate the lands in the Bettamaravere Village &c.

Report.

The old Suggi-tadde Tank in North Latitude 13° 42' 50" and East Longitude 76° 56' (and lying to the south of the Tavikere-Hosa-Idanga road in the 3rd mile 6th furlong of the same) having breached and [illegible]

team found to be inadequate a new tank called the Koyattim-
-kere in North Latitude 13°42'.0"
East Longitude 76°57'.6" (Topo
sheet no: 24) was constructed a
higher up across the same stream
at a cost of Rs 1,19,000. The following
are the constructive details:—

Bund R.L. 64.00 and 8' top width
Revetment R.L. 61.00
Waste weir R.L. 57.00 and 120' long
Sluice R.L. 40.66 sill
Slopes as usual.

2. The weir is at present
left at R.L. 57.00 and will be
raised to the full sanctioned
level of 59.00 after the tank
has been tested by some more
discharges over the weir. The
tank completed during the

last

The Kapilla. Moreover the
lifting dam or anicut will help
to prevent the wastage from the
gardens above.

4. A convenient site is
found at the old Anicut a
short distance below the
Narayanatirtham. This old anicut
consists of a rough stone apron
which is partly breached. It
is proposed to repair this anicut
build a masonry cut-off wall
with returns on either side,
with flank bunds. A sluice will
be built in the right flank.
None is needed in the left flank
bund as the tank sluice can
irrigate all the lands that are

5 The following are

the

last three years

B. The sluice is on the -
left bank of the Kodihalli
To irrigate the lands of the
Bettadanapalya Village on the
right bank (which were -
dependent on the Mal Sagi-
-Vadalu tank and do not
a preferential right for the
water of this tank), the sluice
Channel has to cross the Kodi
-halla by an aqueduct or
an anicut. At the places -
where the aqueduct or anicut
across the Jungle, the levels
of the ground on either bank
and the nature of the soil
do not admit of its construction
So, a dam or anicut is considered
the best to be constructed across
the

Tracing from

5. [redacted] 125

Meryetuinkere Village amount-
-ed to 80 acres as per Revenue
Statement entered. This will be
irrigated from the Cuice in the
tank as noted above in para
4. The remaining quantity of
water in the tank can be u
utilized for irrigating any
extra lands available for cul
cultivation.

6. The Estimate for
the tank has been closed, a
provision has been included
in the present Estimate for
raising the bund to the full
sanctioned height and to
examine the leak in the bund

10. The Lyots of Beta Tau
-Rotorua Village have been Con-
-stantly complaining of the
difficulty to get water to their
lands and if the proposed rein-
-mate be sanctioned early, the
Amiral can be constructed
during the current year and
the Beta Tauranokore lands
can be supplied with water
from the Kerepetiniere as
originally intended

Sgd. E. Stubbs
Offg: Executive Engineer
Kadua Division

Tauriere
21.12.1897.

"Copy"

Published

Offg: Executive Engineer
Kadua Division

W.W.
17-12-1900

197

Chittaldroog
24th January 1901.

Encl 8
B

My dear Colonel.

I beg to send herewith a draft order for your perusal with the file of papers relating to it. (Correspondence ending with Karur Deputy Court's No 196 dated 20th September 1900 re rights to irrigation from Hiriyathankere tank).

I shall be obliged if you will kindly go through them and favour me with your opinion. If you deem it all right I shall have it issued. The question involved is one of importance and principle and I want to know your views before passing final orders.

From what I have been seeing in this District Mr. Narayana Rao has been doing very good work. He knows the people well and sympathizes with their requirements. He has on the whole shown himself

a very good and efficient
District Officer.

I did not know that
you wanted to meet him
in Jangaondanhalli.
Had I known it in time
I should certainly have
sent him to you.

With best regards
I am
Yours sincerely
Sd/- P. N. Krishna Murti

The good Empress
Victoria is no more.
The sad news reached
this place yesterday
and cast a gloom all over.
May God bless the great
Soul and long live the
King of England.

"Copy".

Colonial Secretary's Office, Bangalore
2nd January 1871.

No. 15

My dear Sir Krishna Rao

In this quarrel between Kaisuttaiah and Bellari Zamindars, the rights of God have been, in my opinion, compromised by the action of the Revd. Comms. in admitting the priority of the Bellari Zamindars claims to the water of the new tank. In S.A.K. has no record of such admission but the Officers have given an opinion to the effect that the Bellari Zamindars right have a prior claim, as the new tank was an expensive substitute for the Suggiwaddu. This is substituted a hitherto unknown, and somewhat distant work for an ingenious one to my mind immediately in front and overlooking, when the extraordinary arrangement was

unfair to [illegible] reduce his [illegible]
accept. Before I see them I must
know his decision & [illegible] then
my views recommend themselves
to a fair - simple, but if you
feel bound to consider that
the D.P.P. and the Dep.t Comm.rs have
given a promise, then I shall
have to see them both [illegible]
and [illegible] Tenancies Lands
Act [illegible] higher than the
former. Your draft very
nearly follows my view of
the case, the only question is -
can you know over the
promise practically made
by the Dep.t Comm.rs?

Yours very sincerely,

A. Lucas

I gave you a word about A. R.
he is a good hard working Officer;
[illegible] and does well. I
managed to arrange all I was anxious
about regarding the Cameron work.
During my trip I took [illegible] notes
and made [illegible] accounts,
work with the Vouchers & finding [illegible] but
to give me [illegible] required [illegible]
[illegible] procedure and forms. Yes - the
dear old Cameron who was drowned in the range
river I took from her and here was
him, as well, his little [illegible]

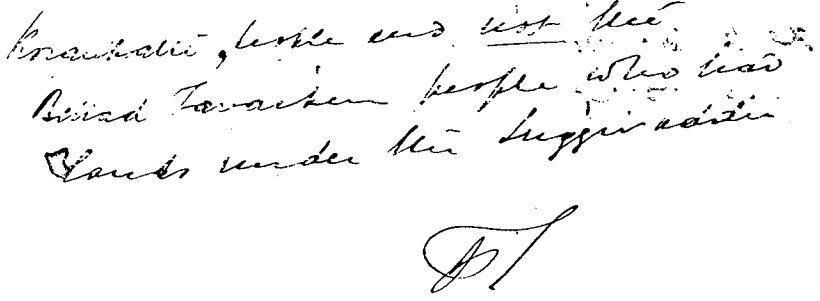
course would be to retain the present classification of the Kowaihaki lands and to declare the Native Lands, which at present have the old superimposed upon them the Waiapu Middle Block. The declaration should be done on the application that the Kowaihaki lands have the Waiapu Middle superimposed on them and the Native Land Court would be asked to declare the Native lands which would be classified as remainder. If equal or more, and vice versa. Then the Waiapu Middle would be equal to, or better than the Middle Block. Should it would be very hard on the Kowaihaki Ryots to bring them down to the Waiapu and deny them the calamity remitted and if waived by any

ver unde, instead of declaring in the H. Med Law Lords in immediation of the unbounded credit they are deprived of, they are deprived as they were and the application of the Scotch Act is confirmed and the lands, despite claimed and bought on to the Plaintiffs land. When the Legislature decreed the Scotch lands under it had no claim to more than the concessions laid down by Rule for Crowned lands. To give them a Legislative work and to gratuitously bar and complicate the rights of Govt and of those who, being owners, had a right to benefit by the new land was, to my mind, quite uncalled for. How far you may consider Govt to be pledged by the action of the Dept Commissioners I have not but, as regards the principle involved, I have no doubt. Legislation on pledges I have been given, the pressure

Note 21/2/01

Lake Amburg the above, [illegible] [illegible] [illegible]

Rd 3 - 2 - 1900
Hoosburg -



only one Survey Off. was dependent on Aggregation; consequently it is evident that the Retd Varancies Supra have arisen upon Both Dept. Comms be an almost ridiculous degree.

Retd 1. 1878 and 30 June 79, Retd Varancies wch Lands being in any way concerned with the present question sub. 2 8 1 2 9 11 6 / No 117 are concerned.

A glance at the Map shows that it is impossible that the Aggriedain lands Supra could in any way Varancies area in B. Varancies.

I See, in company with that I have now received the Memorandum Statement made by the Dept. Comms, in Para 2 of his letter dtd 30 6 / 18th Dec 1879, that the Petitioner & "Ballinadeen Aggriedain had an Entry 2 9 / 1. 1875. 32. / - but that sub 1. 27 6 was not in Retd Varancies.

The Abord part of the Varancies is that it is the

(76) - (17) 130

Proceedings of the Govt of Mysore.

Read L.R. 57-99

Petition of appeal No. 8L 76. 722 dated 26.9.99, presented by Hanumé gowda and other ryots of Karnahalli in the Tarikere Taluk, against the order of the Deputy Commr, Kadur Dt, declaring that the wet lands of Bettadlavarakere village have the prior right to irrigation from Heregattukere tank and that the lands of the petitioners' village (Karnahalli) were entitled to irrigation from the said tank only subject to this right.

2) Correspondence ending with letter No. 196 dated 20.9.00, from the Commissioner, Kadur Dt reporting on the above.

3). Letter No. 5313 dated 6-11-00, from the Chief engineer in Mysore.

4). The records of the case.

Subject.

Draft to be submitted to 1st Councillor for approvals as per orders.

18/1/01.

Read in the 1st Councillor's room.

22/1/01.

Read 23-1-01. This story

Dictated 27/1/01

+ Press copy sent up 26-2-01

The lands of Bettad-lavarakere were originally irrigated by a "Suggi Waddu" which burst subsequently. As the restoration of the said "Suggi Waddu" was found to be not feasible, it was abandoned and the new tank of Hennyettinakere was constructed instead. When the question of right to its water supply came under consideration, the matter, instead of being decided on merits, was settled on the ground that the new tank was a substitute for the Suggi Waddu (once the exclusive source of irrigation to the wet lands of Bettadlavara-kere) and was therefore subject to all the liabilities of the Suggi Waddu. But as the lands of Bettad-lavarakere lay further from the new tank and could only be irrigated after the construction of distribution channels, and as water was in the meantime

meantime available,
the ryots of Karnahalli
were allowed (by the order
dated 13.6.95 of Mr Sparkes)
to convert their dry lands
into wet, on the unders-
-tanding that the water
supply was temporary
and would be withdrawn
when the wet-lands of
Bettadlavaralare should
come under irrigation.
This understanding was
however ignored when
on the subsequent appli-
-cation of the Karnahalli
ryots and the Dy Comr
Mr Sparkes recommen-
-dation thereon, consolida
-ted wet rates were
imposed by the Survey
Dept on the wet lands
of Karnahalli and the
Akarband lot was re-
-vised accordingly
When the matter was
again agitated by the ryots
of Bettadlavaralare the
then Dy Comr Mr Carr
passed an order on 24.4.98
affirming

affirming the order of Mr Sparkes dated 18.6.95 holding that the Bettad-tavarakere ryots had the prior right of irriga-tion from the water of the said tank.

ii The sketch received with the Dy Comrs report dated 15.5.00, shows, and the Dy Comr himself ad-mits in the report, that the wet-lands of Karnahalli lie nearer the source of water supply and from their position receive a better supply of water than the lands of Bettad-tavarakere. The Extent of the wet-lands in Karna-halli is 255 acres 5 guntas and of Bettadtavarakere 155 acres 32 guntas. The rates of assessment on the wet-lands of Karnahalli are highest Rs 5-9-0, lowest Rs 4-3-0, and the average Rs 4-14-0 per acre; while of Bettadtavarakere the highest is Rs 4-0-0, lowest Rs 2-8-0, and the average Rs 3-4-0 per acre.

iii The Engineer re-
-ports that the tank does
not hold water sufficient
for both the Karnahalli
and Belladdavarakere
lands and that the lands
of the latter village suffer
at times being farther off
from the tank; and propo-
-ses either (1) to stop the
supply of water entirely
to Karnahalli lands after
changing the wet rates into
their original dry rates of
assessment; or (2) to give
the present water supply
to the said Karnahalli
lands and in that case
either to find a separate
source of water supply
to Belladdavarakere lands
or to grant half remission
to the said lands as was
being done up to the last
year.

iv The Supdg. Engi-
-neer Western Circle and
the Chief Engineer, in
recognising the priority
of claim to water of the
Belladdavarakere ryots,
report, that the tank in
ordinary years is capable
of

of irrigating both the Karnakalli and Bellad-tavarakere lands, but that in times of scanty water supply, the left bank channel supply figured to Karnakalli lands should be closed to ensure proper supply of water to Bellad-tavarakere lands which have the prior right for irrigation from the said tank.

Order thereon 6/44-5 / Mdl: 1078 / 6/12/16

After all the vicissi-tudes which the lands of Karnakalli and Bellad-tavara-kakere have undergone, it will be inconvenient if an attempt is now made to restore the old state of things which does not seem to have been of to the new storage of water, Karnakalli lands are more advantageously situated, and adopting the only rational and re-cognised principles of classification resulting the altered circumstances and the natural lay of grounds, the Settlement Department have imposed on them a higher rate of assessment the

In reply as entered in the head of the Public Works Officer.

The Board has no record of the fact that the new tank was a substitute for the old Vaddar. The question is not entitled to much weight and the Govt ought not to have held out any distinct course of treatment to the Ryots concerned. An examination of the Land Record by the Supt of new Survey has elicited the fact that the Bellada-tavarekere lands were never classified as being irrigated from Sugar water. The following is the note recorded by that Officer

"I have examined the classing books for the whole fasli the

Signed

Bangalore

the corresponding weight of this increased liability is obviously to receive a secure and copious supply of water at all times. This must therefore be ensured to the landholders of Kornahalli village. The surplus water alone can be given to the Bellatavarakere village lands, which were before dependent upon Suggi Waddu and are now irrigated from channels drawn from an ancient thoum across the Kodihalla. The rates of these lands are much lower than the rates imposed upon the Kornahalli lands, and having regard to the opinions of the Supdg. Engineer and the Dy Comr that the water supply cannot be guaranteed except in ordinary years, the Survey Supdt may be requested to revise the water classifications of these lands, - any reduction of assessment resulting therefrom

a grow being granted
to remission to the ryots.
It will be extremely in-
convenient to adopt the
suggestion of the Supg: En-
-gineer and to close up the
distributary channel irriga
-ting the Kannahalli lands
in times of drought and
scanty rainfall. This course
will conflict with the prin-
-ciples of Settlement adopted
with the Kannahalli ryots.
The remedy in the alleged
circumstances of the case
is to alter the rates of the
Beltadhavaraleere lands
settled before the constitu
-tion of the new lands, if there
is a necessity therefor.
The Suggestion of the Dy
Comr to grant remissions
in the years in which
water will not be suffi
-cient for the wet cultiva
-tion of the whole of these
lands is opposed to the
policy of Govt in regard
to remissions and cannot
be adopted.

C
8-1-01

22/1/01:

Secretary
18/1/01

To 1) The Dy Comr, Kadur
2) The Survey Supdt in Mysore
3) The Chief Engineer in Mysore

RD 21-1-01
Dy Comr Kadur (4)
Mysore 22-1-01

Mysore
6.2.01
Yeladkere
Asst

if it is possible that
after the dam has
been built over the Tirth
-halla the water supply
to the Beltadda Devarakere
lands has been greatly
improved - Mr Stuart
will be requested to
take early steps
to also improve
the classification.

READ—

Petition of Appeal No. 722, dated 26th September 1899, presented by Hanumegauda and other raiyats of Kornahalli in the Tarikere taluk, against the order of the Deputy Commissioner, Kadur district, declaring that the wet lands of Bettadtavarekere village have the prior right to irrigation from Heroyattinakere tank, and that the lands of the petitioners' village (Kornahalli) were entitled to irrigation from the said tank subject to this right.

(2) Correspondence ending with letter No. 196, dated 20th September 1900, from the Deputy Commissioner, Kadur district, reporting on the above.

(3) Letter No. 5313, dated 6th November 1900, from the Chief Engineer in Mysore.

(4) The records of the case.

i. The lands of Bettadtavarekere were originally irrigated by "suggi vaddu" which burst subsequently. As the restoration of the said "suggi vaddu" was found to be not feasible, it was abandoned and the new tank of Heroyettinakere was constructed instead. When the question of right to its water-supply came under consideration, the matter, instead of being decided on merits, was settled on the ground that the new tank was a substitute for the "suggi vaddu" (once the exclusive source of irrigation to the wet lands of Bettadtavarekere) and was therefore subject to all the liabilities of the "suggi vaddu." But as the lands of Bettadtavarekere lay further from the new tank and could only be irrigated after the construction of distribution channels, and as water was meantime available, the raiyats of Kornahalli were allowed (by the order, dated 18th June 1895, of Mr. Sparkes) to convert their dry lands into wet, on the understanding that the water-supply was temporary and would be withdrawn when the wet lands of Bettadtavarekere should come under irrigation. This understanding was, however, ignored when, on the subsequent application of the Kornahalli raiyats and the Deputy Commissioner Mr. Sparkes' recommendation thereon, consolidated wet rates were imposed by the Survey Department on the wet lands of Kornahalli, and the akarband too was revised accordingly. When the matter was again agitated by the raiyats of Bettadtavarekere, the then Deputy Commissioner Mr. Carr passed an order on 24th April 1898, affirming the order of Mr. Sparkes, dated 18th June 1895, holding that the Bettadtavarekere raiyats had the prior right of irrigation from the water of the said tank.

ii. The sketch received with the Deputy Commissioner's report, dated 15th May 1900, shows, and the Deputy Commissioner himself admits in the report, that the wet lands of Kornahalli lie nearer the source of water-supply, and from their position, receive a better supply of water than the lands of Bettadtavarekere. The extent of the wet lands in Kornahalli is 255 acres and 5 guntas and of Bettadtavarekere 155 acres and 32 guntas. The rates of assessment on the wet lands of Kornahalli are, highest Rs. 5-9-0, lowest Rs. 4-3-0, and the average Rs. 4-14-0 per acre, while of Bettadtavarekere, the highest is Rs. 4, lowest Rs. 2-8-0, and the average Rs. 3-4-0 per acre.

iii. The Deputy Commissioner reports that the tank does not hold water sufficient for both the Kornahalli and Bettadtavarekere lands and that the lands of the latter village suffer at times, being farther off from the tank; and proposes either (1) to stop the supply of water entirely to Kornahalli lands after changing the wet rates into their original dry rates of assessment; or (2) to give the present water-supply to the said Kornahalli lands and in that case either to find a separate source of water-supply to Bettadtavarekere lands or to grant half remission to the said lands as was being done up to the last year.

iv. The Superintending Engineer, Western Circle, and the Chief Engineer, in recognising the priority of claim to water of the Bettadtavarekere raiyats, report, that the tank in ordinary years is capable of irrigating both the Kornahalli and Bettadtavarekere lands, but that in times of scanty water-supply, the left bank channel supplying water to Kornahalli lands should be closed to ensure proper supply of water to Bettadtavarekere lands, which have the prior right for irrigation from the said tank.

No. 5144-6—Pet. 1078, dated Bangalore, 16th February 1901.

ORDER THEREON—After all the vicissitudes which the lands of Kornahalli and Bettadtavarekere have undergone, it will be inconvenient if an attempt is now made to restore the old state of things, which does not seem to have been properly ascertained by the Local Deputy Commissioners or the Public Works officers. The Public Works Department has no record of the fact that the new

tank was a substitute for the old 'vaddu.' The opinion given under the circumstances is not entitled to much weight, and the Deputy Commissioners ought not to have held out any distinct course of treatment to the raiyats concerned. An examination of the land record by the Superintendent of Revenue Survey has elicited the fact that the Bettadtavarekere lands were never classified as being irrigated from "suggi vaddu." The following is the note recorded by that officer :—

* * * * *

"I have examined the classing books and maps of both Kornahalli and Bettadtavarekere. Some curious facts are elicited :

1st. The only Survey number in Bettadtavarekere dependent upon or assessed at the original classification, under "suggi vaddu" is No. 117, assessment Rs. 6. The remaining wet lands are dependent on, and assessed in consideration of, small tanks and kattes as below :—

			Survey No.
Bargi Katte	...	...	19
Katte	...	...	63
Do	...	...	155
Ramainkere	...	...	158
Musakedkatte	...	...	131
Upas Malankatte	...	...	125
Melainkatte	...	...	127
*Suggi vaddu	...	...	118
Katte	...	...	185
Do	...	...	189
Do	...	...	4
Do	...	...	67

*Only one number under this.

"Only one Survey No. 117 was dependent on "suggi vaddu." Consequently, it is evident that the Bettadtavarekere raiyats have imposed upon both Deputy Commissioners to an almost rediculous degree. Instead of 155 acres and 32 guntas of Bettadtavarekere wet lands being in any way concerned with the present question, only 1 acre and 29 guntas of No. 117 are concerned!

"A glance at the map shows that it is impossible that the "suggi vaddu" could irrigate anything but the very smallest area in Bettadtavarekere.

"See, in comparison with what I have now elicited, the astounding statement made by the Deputy Commissioner at para 2 of his letter No. 398 of 18th December 1899, that the atchkat of "Bettadtavarekere 'suggi vaddu' had an atchkat of 155 acres and 32 guntas!"—true, but only 1 acre and 29 guntas of this were in Bettadtavarekere.

"The absurd part of this business is that it is the Kornahalli people and *not* the Bettadtavarekere people who had lands under the 'suggi vaddu.'"

2. To the new storage of water, Kornahalli lands are more advantageously situated, and adopting the only rational and recognised principles of classification suiting the altered circumstances and the natural lay of ground, the Settlement Department have imposed on them a higher rate of assessment. The correlative right of this increased liability is obviously to receive a sure and a copious supply of water at all times. This must therefore be ensured to the land-holders

Petition, dated 16th February 1901.

of Kornahalli village. The surplus water alone can be given to the Bettadtavarekere village lands which were before dependent upon "suggi vaddu" and are now irrigated from channels drawn from an anicut thrown across the Kodihalla. The rates of these lands are much lower than the rates imposed upon the Kornahalli lands, and having regard to the opinions of the Superintending Engineer and the Deputy Commissioner, that the water-supply cannot be guaranteed except in ordinary years, the Survey Superintendent may be requested to revise the water classification of these lands—any reduction of assessment resulting therefrom being granted as remission to the raiyats. But it is possible that after the dam has been built over the Kodihalla, the water-supply to the Bettadtavarekere lands has been greatly improved. The Survey Superintendent will be requested to take note of this circumstance also in revising the classification. It will be extremely inconvenient, and the Survey Superintendent has conclusively shown that it is quite inexpedient, to adopt the suggestion of the Superintendent Engineer and to close up the distribution channel irrigating the Kornahalli lands in times of drought and scanty rainfall. The suggestion of the Deputy Commissioner to grant remissions in the years in which water will not be sufficient for the wet cultivation of the whole of these lands, is opposed to the policy of Government in regard to remissions and cannot be adopted.

C. SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The Deputy Commissioner, Kadur District, with records.
The Survey Superintendent in Mysore.
The Chief Engineer in Mysore.
The Deputy Commissioners of other Districts, for information.

Exd.—C.V.

1900-1901

GOVERNMENT OF MYSORE

PETITION

PROCEEDINGS

Dated 16th February 1901

No. 6144-6
Pet. 1078

Passing orders on the appeal of Hanumegauda and others of Kornahalli village, Tarikere taluk, to the effect that Kornahalli village lands have the prior right to the water of Heroyettinakere tank, that the surplus water alone can be given to Bettadtavarekere lands and that the water classification of these lands should be revised by the Survey Superintendent, any reduction of assessment resulting therefrom being treated as remission.

SBP—14-3-1901—200

No 722

(18)

27.5.04

L.R. 57-67
82.17

one Rupee Stamp affixed

To be put up for early disposal by endorsement.

25/1/02

Reference:

25/1/02

275/1900 - 247 - 25-8-00

0.Ms.

L.R. 577

27392 Enclosing

28/1/02 Orig. petn.

All & a Rupee Stamp affixed

29.1.02

Subject matter of reference to the proceedings of Govt. order No. 6144-Elate 16.2.01

(Serial No. 14). The Survey Superintendent states in that order to revise the rates of wetland & garden lands.

30/1/02

Upon the petn. of the pmkdt. of the order absent

I proceed 31/1/02

Issue the petn.

Sd. 1-2-02

Issued 3-1-1902

...190...

No. 259

Name of Petitioner Kanyumbari and others

Village Kottaxapanaveriere

Taluk Vaniyambadi

District Vadur

Date of Appl 20-12-01

Date of Receipt 30-1-02

Date of Disposal

No. of Enclosure 1/2

ABSTRACT

The reference to the previous petition of Kanyumbari and others, the petitioners state that their village tank was formerly a Kudagi tank that the authorities promised them that it would be repaired at Govt cost, and gotten thousand rupees sanctioned for the repairs; that subsequently utilized the amount sanctioned towards the repair

MGCPB—23-3-01—3,000.

of another tank under ryotwari and